



3800 Laverne Avenue North
Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday December 9, 2019
at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. November 13, 2019
4. Public Hearings
 - a. **CONDITIONAL USE PERMIT (CUP) AMENDMENT** - 11530 Hudson Boulevard (Stillwater School District #834 School Bus Terminal).
 - b. **PLANNED UNIT DEVELOPMENT – FINAL PLAN REVIEW** – Lake Elmo Senior Living (39th Street)
 - c. **MINOR SUBDIVISION - DPS Lake Elmo** (property lying between Hudson Blvd and 5th Street North) (Continental Development and Alan Dale (the property owner))
5. New Business
 - a. Driveway Ordinance Code Amendment
6. Communications/Updates
 - a. City Council Update
11-19-19 Meeting - Subdivision Ordinance Update
 - b. Staff Updates
 - c. Upcoming PC Meetings:
 1. January 13, 2020
 2. January 27, 2020
7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of November 13, 2019**

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

COMMISSIONERS PRESENT: Cadenhead, Hartley, Holtz, Steil and Weeks

COMMISSIONERS ABSENT: Risner

STAFF PRESENT: City Administrator Handt, Planning Director Roberts, City Planner Prchal

Approve Agenda:

M/S/P: Hartley/Cadenhead move to approve the agenda as presented, **Vote: 5-0, motion carried unanimously.**

Approve Minutes:

M/S/P: Hartley /Steil move to approve the October 16, 2019 minutes, **Vote: 5-0, motion carried unanimously.**

Public Hearings

2020 – 2024 CAPITAL IMPROVEMENT PLAN

Handt reported on the items in the 2020 – 2024 Capital Improvement Plan (CIP). She explained that it is a multi-year capital expenditure plan for the City's vehicles, equipment, and public buildings that cost \$25,000 or more and last five years or longer.

Holtz asked if the Manning and 30th Street intersection and about Easton Village rail road crossing. Cadenhead asked if the estimated street costs included the engineering and construction costs.

Weeks opened the Public Hearing. No one from the public spoke. Weeks closed the public hearing.

M/S/P: Hartley /Steil move to recommend to the City Council that the 2020-2024 Capital Improvement Plan is consistent with the 2040 Comprehensive Plan, **Vote: 5-0, motion carried unanimously.**

Vang Residence Variance Requests - 2038 Inwood Avenue North

Prchal explained the proposed addition to the existing original farm house. The addition would require a front yard and a side yard setback variance. Prchal explained that an applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to the property can be granted. These include:

Practical Difficulties Findings for Front Yard Setback Variance: The request to expand the existing home on site does appear to be reasonable. The addition does not further increase the non-conformity, the reduced setback does appear reasonable. Considering the home was existing when the development was established, property owners are limited when it comes to improvements that could comply with the code.

Practical Difficulties Findings for Side Yard Setback Variance: The existing structure does meet the setback requirement however any addition larger than 14 ft. would trigger a variance. An addition to the South of the structure would interfere with the existing driveway, access to the garage, and possibly the septic system. The addition to the north does appear reasonable and they will maintain a 27 ft. and 9 in. setback from the north property line.

Unique Circumstances Findings for Front Yard Setback Variance: The circumstances are unique and have not been caused by the applicant. Although the lot is large enough in size to accommodate the size of home that is desired the applicant was not involved with the construction/placement of the existing house or with the platting process that triggered this home to become legal non-conforming. Given the circumstances, the addition with a setback less than 100 ft. from the front lot line does appear to be reasonable.

Unique Circumstances Findings for Side Yard Setback Variance: The circumstances are unique and have not been caused by the applicant. Although the home as existing, is capable of meeting the required setback from the northern side lot line there is limited room and options for expanding the structure. It is impractical to expand the structure to the south where the setbacks can be met because an expansion would then be in conflict with the driveway, garage, and the septic drain field. The standard appears to be met.

Character of Locality Findings for Front and Side Yard Setback Variances: Though affiliated with the Torre Pines Development the home has limited impact on the development due to its orientation. Allowing a variance to the front and side lot line appears to have limited bearing on the character of the locality.

Adjacent Properties and Traffic Variance For Front Yard Setback Findings: Since the home is on the opposite side of the lot of where the neighborhood road is located the impacts of the proposal would be severely limited.

Adjacent Properties and Traffic Variance For Side Yard Setback Findings: The only property that would be perceivably impacted is the vacant property to the north. There would be approximately 77 ft. setback from the proposed addition and a new home on the neighboring property to the north (8381 21st N.). There is also a stand of trees that further helps to minimize the visibility of the structure. Allowing the reduced setback appears to have a limited bearing on reducing property values when it comes to the setback.

Cadenhead asked about the placement of the driveway onto 21st St. N versus Inwood Ave N. He also asked if improvements to Inwood Avenue is on the Washington County CIP within the next five years. Prchal and Weeks answered that it is not in the County CIP. Cadenhead also mentioned that he appreciates that the house is not expanding to the east, in case improvements to Inwood Avenue in this area happen in the future.

Steve Urban – architect – the applicant considered changing the orientation and driveway approach from 21st St N, but it would have required the removal of several trees in order to establish a new driveway to the west.

Weeks opened the Public Hearing at 7:35 pm.

Megan Selby – 8311 21st St N – lives on the property adjacent to the subject property and is concerned with the impacts these variances may have on the vacant lot that is for sale. Will it prevent the vacant lot from building a home similar to the rest of the neighborhood? She also is concerned with the run off and environmental impacts the addition will have on the shared pond that is primarily on her property. She is also concerned the dwelling will not remain a single-family dwelling and will bring more people onto the property.

Norm Fleming – HOA president – echoed the concerns of Selby. He also mentioned they are happy to see the improvements that have been made to the property, but does have concerns about noise from the property.

Urban responded that the addition will not be getting closer to the pond and should not impact it. He stated that having an entrance onto 21st St N would have a much higher impact on the pond and surrounding properties. Approving the variances keeps the property facing onto Inwood and minimizes impacts onto the existing neighborhood to the west.

Jake McGee – from Torre Pines development architectural control committee – the applicant submitted the plans to the architectural committee on September 23. He mentioned they have been great to work with and met the standards the committee requested. He read the letter he sent the applicant. He stated that the hard surface driveway proposed alone will increase the appearance of the property and meet the requirements of the HOA.

Weeks closed the Public Hearing at 7:40 pm.

Cadenhead stated he thinks that any time the City can remove direct access onto a busy road or a highway, it should be recommended to make it safer for drivers.

Weeks stated that she thinks the driveway moving to 21st St N could wait until the County makes improvements to Inwood Ave. Weeks said she supports the County and engineering in only having one access point onto Inwood, not two. Roberts stated that with the county project there may be driveway cost sharing opportunities.

Holtz asked about the size and number of bathrooms of the existing structure. He also asked what the size and number of bedrooms and bathrooms would be after the addition. Holtz additionally asked the average size of new homes being constructed within the City and whether the size or number of bedrooms would indicate the desire to use the property in violation of City code.

Prchal did state that the City does review additions to try and mitigate the ability for people to convert properties into two-family structures.

M/S/P: Hartley /Holtz move to recommend approval of the request for reduced front and side yard setbacks for the property at 2038 Inwood Ave., subject to conditions of approval as recommended by Staff, **Vote: 5-0, motion carried unanimously.**

LAKE ELMO INWOOD APARTMENTS (5TH Street North and Island Trail)

Roberts reported that RPS Legacy LLC has requested City approval of a minor subdivision to divide Outlot B of the Inwood 6th Addition into two lots. The proposed minor subdivision would create a 4.4 acre lot for a two-phase multiple-family housing development and a 1.29 acre lot reserved for future use. The applicant has also requested City 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 located on the south side of 5th Street North, just west of Island Trail.

In 2014 the City approved the concept plan and the preliminary plat for the Inwood PUD, including commercial buildings near Inwood Avenue, an apartment building on the corner of 5th Street and Island Trail and 4 and 8-unit residential buildings for the area east of Island Trail.

The proposed plan includes a 3-story, 68-unit apartment building with a clubhouse area located on the southwest corner of 5th Street North and Island Trail and underground parking for 70 vehicles and surface parking for 65 with a vehicle entrance on Island Trail. The site plan also shows a future apartment building to the west of the proposed

apartment building, that building is not part of this development review but shows the developer's plan for the site.

David Schwiebel 1059 St. Claire - for RPS Legacy – said they manage 350 residential properties. They plan to own and manage this property. RPS Legacy worked with Hans Hagen (M/I Homes) to develop plans and establish infrastructure for the Inwood PUD.

Pete Keely, architect explained the site, projected residents, and the amenities. He also described the architecture of the building and working with the developer of the single-family homes. There have been comments about pitched roof and height concerns.

Weeks opened the Public Hearing at 8:35 pm.

Mike Reeves – 8922 9th PI N – he stated he has been a resident of Lake Elmo for years and served as a Planning Commission and on the City Council and approved the concept plan for this development in 2014. He reviewed the meeting minutes and video – conditions limit multi-family areas to 15 units per acre and require consistency of commercial and multi-family structures with the single family areas. The proposal establishes the number of units at 29 units per acre, nearly double what the Council approved at concept plan in 2014. Had concerns that the staff report mentions the modern industrial architecture is unusual for Lake Elmo and concerns that the design should fit within Lake Elmo.

Scott Murphy – 8669 Lower 8th PI N – thanked the Commission for the work they do. He stated he also reviewed the original approvals and saw that the overall density was targeted at 11.5 units per acre. He is concerned that if the current proposal goes in at such an increased density that it sets precedence for any future developer.

Mike McGinn - 8756 Upper 7th PI N – talked about working with traffic engineers and planners in traffic studies as a Police Officer, doing onsite reviews of safety concerns. 5th and Island is the primary entrance into the development and mentioned the three story building at that location alone could impact visibility and safety.

Alan Stocker - 8680 Upper 7th PI N – mentioned the density, increased density, the façade of the building, setbacks, and green spaces. He wants the developer held to the density that is in the 2040 Comprehensive Plan and would like to see something closer to what was approved in concept plan with a lower density along 5th St N.

Milt Klohn – 8761 Upper 7th PI – celebrating 60 years in Lake Elmo. Wants to echo a lot of the same messages. He wants to strongly encourage the Commission to consider the precedent they are setting by allowing that amount of density on the parcel. Asked the applicant to provide the number and locations of properties that are located within 100 ft. of single-family homes.

Al D'Arpa – 8758 Lower 8th Pl N – corner of Island Trail and Lower 8th Place N. Wants the Planning Commission to consider the entrance of the parking off of Island Trail, due to in the increase in traffic it will experience from this this development and the gas station that was previously approved.

Mark LeClair – 856 Ivywood Cir N – in calculating density, do you subtract the pond from the calculations? Is concerned about the height of the structure when everything else around it is one and two story structures, he more in favor of a flat roof. He also asked about the berm.

Doug Roome – 8875 Irving Blvd N – complimented Lake Elmo Planning and said he would like to keep 5th St boulevard looking nice.

Mike Kaup – 840 Ivywood Cir N – he Googled RPS Legacy and found 3 apartment buildings and said their landscaping is not up to Lake Elmo standards and would need to be improved upon.

Mark Rubbert – 8740 9th Place N – traffic & pedestrian safety. Glad there will be a control light at 5th and Inwood and may need to consider one at 5th and Island Trail if traffic increases. Seniors are walking within the neighborhood and he would like to preserve the safety of the pedestrians. He also would like the development to include a place for residents of the apartment to take their dogs, like a dog run on site.

Dan Meyer – 963 Irving Ct N – lived on Legion Lane for 22 years. Once Royal Golf opened Arnie's restaurant, there was a lot more traffic on Legion Lane as through traffic, they were driving at higher speed than the people just driving in and out of the neighborhood. He foresees the same type of traffic increase on Island Trail.

Tom Nordland - 8801 Lower 8th Pl N – asked if the applicant had reached out to anyone in the neighborhood for input prior to submitting.

Dave Tetins - 958 Irving Ct N – spent time in Park City UT which was also settled by Swedes and Norwegians and we could benefit from that type of design. He said he is appalled by the design of the building. It does not match or even relate to the Inwood development and wants them to consider the design.

Mary Marchant - 8946 9th Place N - crime concerns with the increased number of units wants to know what the plan is for policing and property values with the number of apartment buildings.

Bob Seifert - 8824 Lower 8th St – mentioned that there are children and disabled people within the neighborhood and need to be considered for safety.

Bob Haskins - 8719 Irving Blvd – if the market changes and the apartments do not stay market rate, but go to Section 8 or otherwise subsidized housing, is there a process and would we be notified? He would like the Commission to consider that as well.

Weeks closed the Public Hearing at 9:07 pm.

David Schwiebel, for the Developer, stated that the berms were constructed along 5th Street on the single family side of the development. The developer said pets would be allowed with restrictions and stated that this is a master plan development with a park, trails, extra wide street with sidewalks on Island Trail and 5th St N and the development did anticipate the density and multi-uses. Developer said Rosota in Roseville does have single-family housing across the street and within a single-family neighborhood.

Holtz asked Roberts to explain the density within the 2040 Comprehensive Plan and this development. The applicant provided a map of the Outlots south of 5th St N. That whole area is about 29 acres, the density is allowed up to 15 units per acre, in total, that area could have up to 445 units. The entire PUD is considered, it is not per parcel. Roberts explained that if anything is approved tonight and at Council the number of units and the total remaining allowed units will be part of the resolution. There is no way the number of units will go above 445, unless the Comprehensive Plan changes its density limits and the developer asks for a change to match the new density.

Weeks said there are only 30 more units being proposed compared with the concept plan, a three story building was approved in the area, she believes Lake Elmo is eclectic and there is no predominate style, the land was rezoned for high density when the entire PUD was approved and is the first of its kind in Lake Elmo, there is not much the Planning Commission can do, since the City Council approved this density.

Holtz stated that there is nothing in the code to support a change to the roofline, the developer knows the market they are trying to reach, personal taste of the Commission cannot come into play as it can be considered to be arbitrary and capricious. He thanked residents for coming out to express their opinions, but also said the number of residents does not change the previous decision. He went on to say that Lake Elmo has to change the housing stock that is available to meet the projected growth to the area. This area of Lake Elmo is also a transition zone, as it has commercial, hotels, a golf course, and single-family homes all in a small radius and the site is located near the interstate and a busy county road.

M/S/P: Holtz/Hartley move to recommend approval of the Minor Subdivision request to split Outlot B of Inwood 6th Addition into two lots, subject to the conditions of approval as listed in the City staff report. **Vote: 5-0, motion carried unanimously.**

M/S/P: Holtz/Cadenhead move to recommend approval of the preliminary PUD Plan as requested by David Schwebel of RPS Legacy Desoto for Outlot B of the Inwood 6th

Addition for the project to be known as Lake Elmo Inwood Apartments (Inwood 7th Addition) to be located on the south side of 5th Street North, west of Island Trail, subject to recommended conditions of approval and to have a shared driveway access with the parcel to the south and to have the entire 26 acre area south of 5th St N to not have a residential density over the Comprehensive Plan allowed 445 units. **Vote: 5-0, motion carried unanimously.**

New Business - None

Staff and Commission Updates

At the November 5, 2019 meeting City Council approved the 2040 Comprehensive Plan Update, the preliminary plans for new Senior Housing on 39th St N, the Zoning text amendment for Accessory Building Heights in Rural Zoning Districts, the ability to post a RFP to build and Mountain Bike trail in Sunfish Lake Park with a budget of \$120,000.

Roberts said there was discussion at the City Council Workshop regarding the plan for the land received from 3M. The Council is going to post a RFP for a master plan for City Hall and the clean-up costs for the former 3M land to make it shovel ready. A grant will be applied for with Washington County to help pay for the master plan costs. The CIP outlines the remodel or new construction of City Hall beginning in 2021, with the planning happening in 2020.

Holtz provided a report on the Community Design Team for the Stillwater Area School District that he is part of. They are reviewing the status of the facilities within the district and the growth in the southern part of the district. The Consultants should have a final report in January. At the most recent meeting they discussed how to handle the growth and all but one group had significant changes for Lake Elmo residents, with the need for a new Elementary to replace Lake Elmo Elementary or a new Middle School and moving the Elementary School into the Middle School.

Meeting adjourned at 9:55 pm

Respectfully submitted,

Tanya Nuss
Permit Technician



STAFF REPORT

DATE: 12/9/2019

REGULAR

ITEM #: 4a

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Stillwater School District Conditional Use Permit Amendment
REVIEWED BY: Ken Roberts, Planning Director
Kristina Handt, City Administrator
Sarah Sonsalla, City Attorney

BACKGROUND:

The Stillwater School District is requesting an amendment to its conditional use permit (“CUP”) to operate a school district transportation center (bus terminal) on its property located at 11530 Hudson Boulevard North. The CUP was issued by the City to the School District on July 17, 2019 through Resolution #2018-077. One of the conditions in the CUP is that “[t]he property shall be connected to City sewer and water prior to the operation of the bus terminal.” The School District’s property is part of the Four Corners 1st Addition plat that was approved by the City Council in 2018. A condition of the plat approval was that the developer (who is not the School District) was to construct sanitary sewer and water facilities which would have brought sanitary sewer and water service to the School District’s property. The developer was to complete these improvements no later than October 31, 2019. As of this date, construction has not yet commenced. The School District has made all of the improvements on the property that were required by the CUP conditions with the exception of connecting the property to sanitary sewer and water services.

ISSUE BEFORE THE COMMISSION:

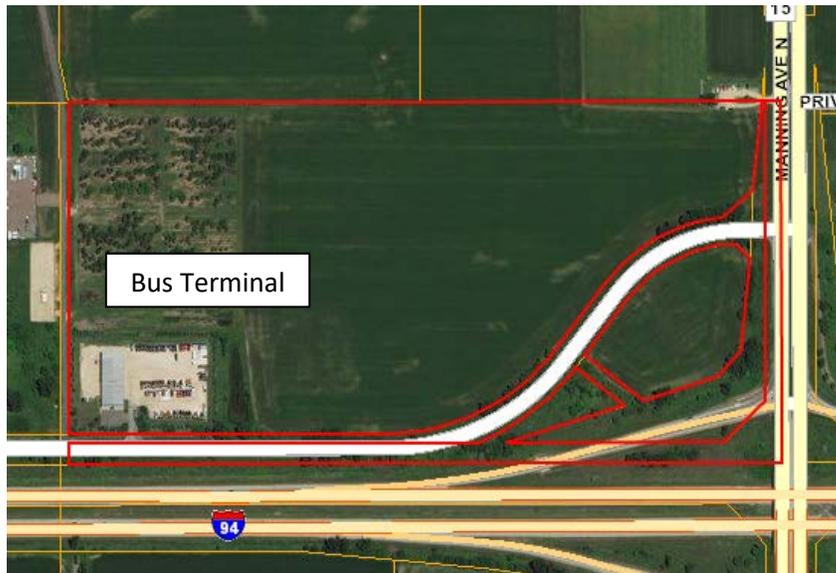
The School District is requesting an amendment to the CUP to amend Condition #9 of the CUP from “*the property shall be connected to City Sewer and Water prior to operation of the bus terminal*” to “*[t]he School District may operate its bus terminal at the property using the well and septic system (septic tank and temporary toilets) either until the School District connects to City sewer and water or until December 31, 2020, whichever comes first. The School District agrees to connect to City sewer and water within 30 days after it becomes available.*” The Planning Commission is being asked to hold a public hearing and make a recommendation to the City Council on this requested amendment to the CUP.

PROPOSAL DETAILS/ANALYSIS:

Applicants: Stillwater Area Public Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater,
Property Owners: Stillwater School District
Location: 11530 Hudson Boulevard North (PID# 36.029.21.43.0001)
Request: Conditional Use Permit – Amendment
Existing Land Use: School Bus Terminal
Existing Zoning: BP – Business Park
Surrounding Land Use / Zoning: South – I-94 and Woodbury; West – Outdoor Storage (RT – Rural Development Transitional); East – Vacant land (RT – Rural Development Transitional); North – Vacant land (RT – Rural Development Transitional)
Comprehensive Plan Guidance: BP – Business Park
Deadline(s) for Action: Application Complete – 11/5/2019
60 Day Deadline – 1/4/2019
120 Day Deadline – N/A
Applicable Regulations: Article V: Zoning Administration and Enforcement
Article XIV: Commercial Districts

CONDITIONAL USE PERMIT

Previous Interim Use Permit. The School District's property previously operated with an interim use permit which was granted by City Council Resolution No. 2014-095, which was for a bus/truck terminal. The use was similar but focused more on the maintenance of larger trucks. This interim use permit would have expired on December 2, 2019. In this instance, the interim use permit was terminated upon the rezoning of the School District property which was affiliated with the Four Corners First Addition development. Another condition of the IUP was that a portion of the property would need to be used for agricultural purposes or left available for agriculture. Development discussions lead to the realization that this might not be practical; and so, the School District also no longer wanted to operate under the interim use permit for this reason.



Existing Conditions. The School District received an approved CUP on July 17th, 2018 and since has moved into the building/site and have been operating there since October/November of this year (see School District's narrative). The School District has completed all of the on-site improvements that were required by the CUP with the exception of the connection of the property to sanitary sewer and water, along with other various improvements in the amount of more than two million dollars. For sewage disposal, the School District has installed a temporary septic tank that is supplemented by temporary toilets (this has been approved by the County). For water, the School District has been using the existing well on the property (the well was approved by the Minnesota Department of Health for use). Currently, the School District is in violation of the CUP because Condition # 9 states that City sewer and water shall be connected to the building/site prior to the commencement of formal operations.

Current Building. The current building was constructed in the 1990s and was used for office space by E&H Earthmovers and also provided bus storage for the School District. It was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks. As mentioned earlier, the building and site has received a two-million-dollar investment by the School District over the course of the past year.

Previous Bus Terminal Operation. The previous location for the School District's bus terminal was in Oak Park Heights in the Old Junker Landfill.

Bus Washing. The School District indicated on its application that the property use will include washing buses. The School District has indicated that the buses will be washed at the facility's wash bay and that waste water from the wash bay will run in to an oil separator with all of the shop drains, which will go in to a holding tank, which is then disposed of by a sewer transport service. The oil separator is then emptied and maintained by a licensed transporter. The School District indicates that once the property is connected to the City's sanitary sewer system that the wastewater will go directly to the treatment plant after passing through the oil separator, and the oil separator will be emptied and maintained by a licensed transporter. The disposal of this water is addressed in the engineering comments.

City Engineer Review. Engineering concerns were finalized during the preliminary and final plat of Four Corners 1st Addition and the initial approval of the School District's CUP.

Fire Chief and Building Official Review. The Fire Chief and Building Official are concerned that that the building is sprinklered yet not connected to City water. Therefore, if there was a fire in the building, the sprinkler system would not function.

FINDINGS: Staff is recommending denial of the amendment to the CUP for the transportation center at 11530 Hudson Blvd N based on the following findings:

1. The developer of Four Corners 1st Addition has had more than one year to construct the sanitary sewer and water facilities that are needed for the School District's bus facility and has not done so. In fact, the developer has not even started the project. To date, there has been no written assurances given to the City by the developer of the Four Corners project that the sanitary sewer and water facilities that are needed for the operation of the bus terminal will be constructed at any time in the near future.
2. Properties that are within a MUSA district are required to connect to City water and sanitary sewer when they are developed. The School District's property is located within a MUSA district. Since it is not connected to City water and sanitary sewer services, it is in conflict with the requirements of the MUSA district, as outlined by the Comprehensive Plan and the use should not be allowed to continue due to this conflict.
3. The building on the property is sprinklered yet not connected to City water. There is a safety hazard to the occupants of the building if the building is allowed to operate without the sprinkler system functioning, even if it is for a limited amount of time.

Recommended Conditions of Approval.

- 1) None – All conditions from Resolution 2018-77 shall remain in place.

FISCAL IMPACT:

When the School District connects to City water and sanitary sewer, it will be required to pay the City sewer and water availability charges and will be responsible at its sole cost for bringing sewer and water into the site. The City will collect Sewer Accessibility Charges (SAC) and Water Accessibility Charges (WAC) and building permit fees.

OPTIONS:

The Commission may:

- ❖ Recommend approval of the amendment to the CUP as proposed by the School District.
- ❖ Recommend approval of the amendment to the CUP with changes.
- ❖ Recommend denial of the amendment to the CUP.

If the request is denied by the City Council would mean that the School District would be in violation of Condition #9 of its CUP. The City Council could then take separate action to revoke the CUP by holding a public hearing on the revocation. If the City Council revokes the CUP, the School District would no longer be able to operate its bus terminal on the property.

RECOMMENDATION:

Staff suggests that the Planning Commission recommend to the City Council denial of the CUP amendment request.

ATTACHMENTS:

- Narrative
- Resolution 2018-77
- Site Plan



November 5, 2019

Ken Roberts
Planning Director
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

11-5-19

RE: Stillwater Area Schools Amended CUP Application

Dear Mr. Roberts:

This letter is intended to supplement the information being submitted for a requested amendment to the School District's approved CUP, Resolution 2018-077. Enclosed you will find the following:

- Land Use Application Form
- Resolution 2018-077
- Escrow Agreement
- Acknowledgement of Responsibility Form
- Affirmation of Sufficient Interest
- Copy of Deed
- 10 copies of the Utility Plan – clean copy
- 10 copies of the Utility Plan – highlighted showing temporary and permanent utilities
- Address labels for property owners within 350 feet
- \$500 application fee

The Stillwater Area Public Schools now owns the property located at 11530 Hudson Blvd. N., in the City of Lake Elmo. Prior to the School District's ownership, the property was used as a bus/truck terminal pursuant to an Interim Use Permit. The IUP allowed the truck terminal to operate at the site with a well and septic system. The IUP was set to expire either on December 2, 2019 or *until any portion of the Property was rezoned* or when public sanitary sewer was provided to the site.

The School District applied for and received approval for the rezoning of the property to Business Park on July 17, 2018, thereby automatically terminating the IUP. At the same meeting, the School District was granted the CUP to use the property as a "School District Transportation Center."

One of the conditions in the approved CUP is that the School District connects to City sewer and water. (Condition No. 9, which states: "The property shall be connected to City sewer and water prior to operation of the bus terminal"). Unfortunately, the School District is dependent upon a developer to complete the extension of sewer and water to the property. As the City is aware, the developer has failed to perform these obligations as required by the developer's development agreement with the City.

Obviously, the default by the developer to timely perform under its development agreement with the City has caused significant and direct consequences to the School District. At the end of October, the School District was forced out of its former site due to the sale of that former site, and out of necessity, has moved its operations to the property. It is important to point out a few significant facts:

1. The School District will complete all of the on-site improvements by December 1, 2019, as required in its Site Improvement Agreement with the City. The School District has expended more than \$2 million for these improvements.
2. Prior to construction, the City informed the School District that it could request an extension of the IUP to operate at the property using a well and septic system for a temporary period of time. Based on that direction, the School District installed a temporary septic tank, supplemented by temporary toilets. The existing well has been approved by the Minnesota Department of Health and the temporary septic services have been approved by Washington County, pending acceptance by the City and a timeline for when City services will become available. The City and School District now know that the IUP was terminated upon the event of the rezoning, thereby making the extension of the IUP impossible.

The School District is, therefore, requesting an amendment to its existing Conditional Use Permit, specifically asking that condition No. 9 of the CUP be amended as follows:

The School District may operate its bus terminal at the property using the well and septic system (septic tank and temporary toilets) either until the School District connects to City sewer and water or until December 31, 2020, whichever occurs first. The School District agrees to connect to City sewer and water within 30 days after it becomes available.

The City already approved the transportation center use in 2018 and determined in its findings that the School District met the City's 12-factor test for the conditional use permit. This requested amendment provides a minor modification to one of the conditions in the already approved use as a transportation center. While proving that the School District's request meets the 12-factor test again is not required for an amendment to this condition in the approved CUP, City Staff requested that we address the 12-factor test specifically as it relates to the requested condition. To that end, we address the 12 factors as follows:

1. The temporary services will not be detrimental to or endanger the public health, safety or general welfare. The existing well has been tested and approved by MDH. The septic tank and temporary toilets are a short-term solution and have been accepted by Washington County, pending City approval and a timeline for connection to City sewer. Well and septic systems have long been used in this area and the School District's short-term solution will not endanger the public.
2. The temporary services conform to the Comp. Plan. The requirement that the property be connected to City sewer and water as soon as they become available is included in the proposed amended language and conforms to the Comprehensive Plan.
3. The temporary services are compatible with the existing neighborhood. The neighboring properties suffer the same predicament as the School District's property and they also await the availability of City services; therefore, the School District's situation is compatible with the existing neighborhood.

4. N/A (no development standards for temporary services)
5. N/A (not in a floodplain or shoreland area)
6. The temporary services have been designed and are being operated and maintained so as to be compatible with the intended character of the neighborhood and will not change the character of that area. As soon as the property is able to connect to City services, these temporary services will be removed, and the well will be sealed. The short-term solution will not alter the character of the area.
7. The temporary services will not create a nuisance to existing or neighboring structures. The septic tank is emptied every 10 days, (and can be emptied with 24-hours' notice) and is equipped with an alarm at 75% capacity. The temporary toilets are serviced on a weekly basis. The School District has contracted with service providers who will perform the necessary maintenance and will ensure that these temporary services will not create a nuisance.
8. The temporary service locations are situated such that there is easy access for maintenance. Essential services will not be hindered by the existence of these temporary services.
9. The temporary services will not create any additional requirements or costs for the City or the community. The School District will perform all needed maintenance in a timely manner, as described above.
10. The temporary services will not create excess traffic, noise, smoke, fumes, glare or odors in any way. There is a mandatory protocol for maintenance, and as stated above, the temporary services will be removed, and the well will be sealed upon connection to City services.
11. N/A (traffic congestion)
12. The location of the temporary services will not do any damage to natural or scenic features of the property. The septic tank was strategically placed on the south side of the building for easy removal upon connection to City services.

The School District is committed to performing its transportation operations pursuant to all of the City's approvals, however, in the short term, this interim solution is necessary in order to provide continuous bus service to the students in the Stillwater Area School District. We hope that this request is viewed favorably by the Planning Commission and the City Council and look forward to addressing any of their questions or concerns.

Very truly yours,



Kristen Hoheisel

Executive Director of Finance & Operations

Enclosures

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2018-077

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the "Property"); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on June 4, 2018 and June 18, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.

- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:
 - a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.
- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.
- 6) That the City approved the Applicant's request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.
- 7) That the City approved the Applicant's request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners along with three separate outlots.
- 8) That the City approved the Applicant's request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.
- 9) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.***
- 10) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.***
- 11) The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.***
- 12) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.***
- 13) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257

(Shoreland Regulations) and Chapter 152 (Flood Plain Management). *The property is located outside the 0.2% annual chance floodplain.*

- 14) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. *While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.*
- 15) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.*
- 16) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. *There are plans to connect to City sewer and water at the applicant's cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.*
- 17) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. *While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.*
- 18) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. *The proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.*
- 19) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. *Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.*
- 20) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby approves the request by Stillwater Area Schools for a Conditional Use Permit for a school district transportation center with the following conditions of approval:

- 1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.
- 2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.
- 3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City's Landscape Architect.
- 7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 8) A sign permit shall be obtained prior to erection of any sign on the property.
- 9) The property shall be connected to City sewer and water prior to operation of the bus terminal.
- 10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- 11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to

the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.

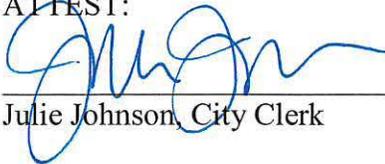
- 12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- 13) That the applicant contribute a onetime payment of \$150,000 in recognition of lost tax revenue as well as the City's cost share of the future traffic signal at the intersection of Manning Avenue (CSAH 15) and Hudson Boulevard North.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.

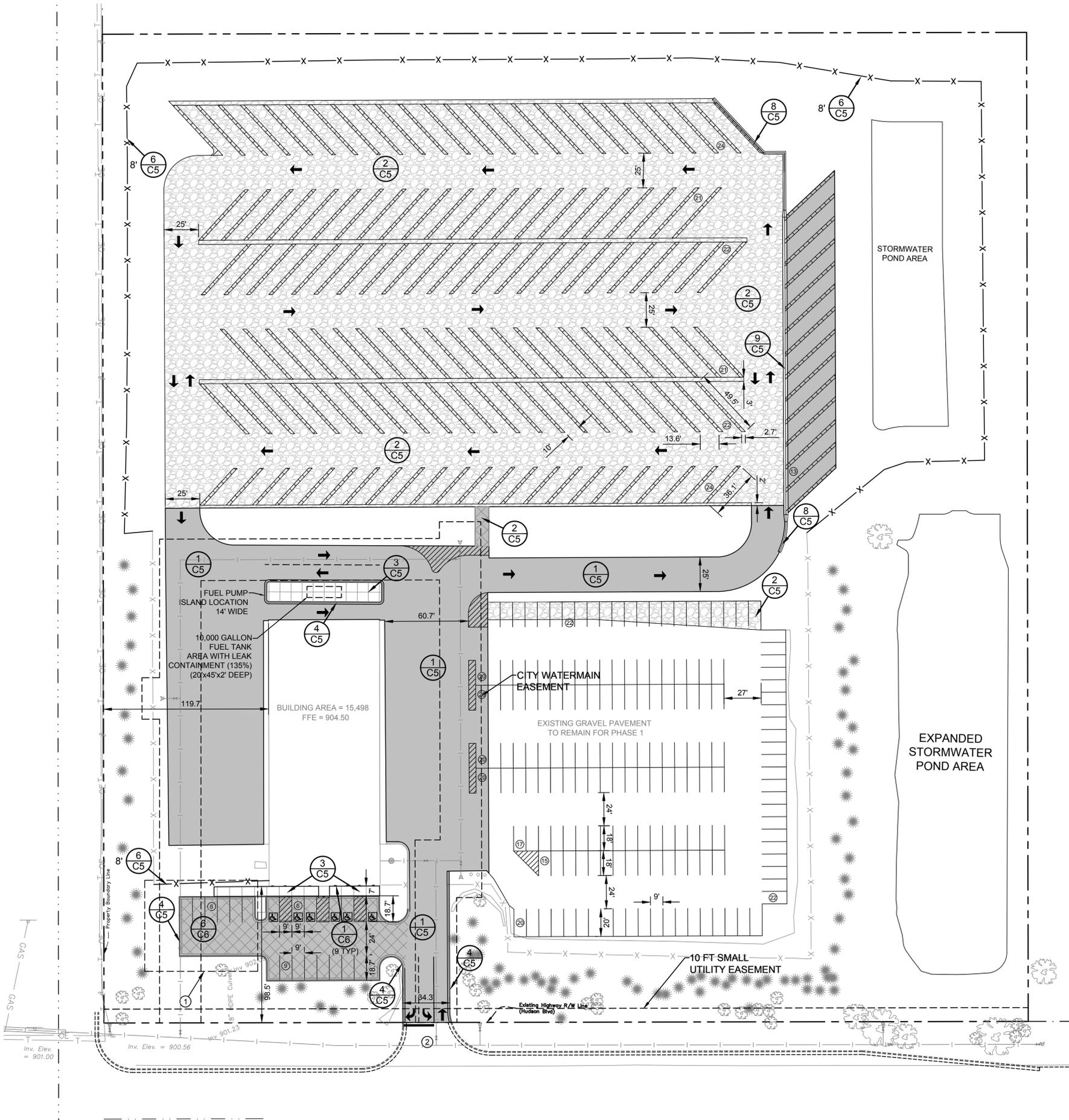


Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk



SYMBOL LEGEND

-  NEW 6" BITUMINOUS PAVEMENT OVER NEW 8" CRUSHED AGGREGATE BASE OVER 24" GRANULAR BACKFILL SEE DETAIL 1/C5
-  NEW 6" CONCRETE PAVEMENT OVER NEW 6" CRUSHED AGGREGATE BASE SEE DETAIL 3/C5
-  NEW 10" AGGREGATE OVER NEW 24" GRANULAR BACKFILL SEE DETAIL 2/C5

WHERE APPLICABLE, DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB OR BACK OF CURB TO END OF STALL LINE.

PARKING STALL COUNT

- ADA STALLS REQUIRED = 6
- ADA STALLS PROVIDED = 6
- AUTOMOBILE STALLS = 177
- SCHOOL VAN STALLS = 20
- SHORT BUS STALLS = 24
- LARGE BUS STALLS = 123
- Ⓢ - INDICATES STALL COUNT IN ROW

LOT SIZE

Total Lot Size: 478,997 s.f. = 11.00 Acres

Breakdown:
 Proposed Building: 15,498 s.f. = 3.24%
 Proposed Gravel Pavement Areas (Phase 1): 182,980 s.f. = 38.20%
 Proposed Concrete and Bituminous Pavement (Phase 1): 61,563 s.f. = 12.85%
 Proposed Open Space: 218,956 s.f. = 45.71%

Proposed Total Impervious Space = 54.29%
 Business Park Max Impervious = 75%

Parking Lot Area = 244,993 s.f.
 5% Landscaped Area Required = 12,249 s.f.
 Landscaped Area Provided = 16,830 s.f.

All gravel pavement surface (existing and proposed) in Phase 1 is going to be paved in Phase 2 of the project. A timeline for Phase 2 has not yet been established but is anticipated in 2 to 3 years.

PLAN NOTES

- ① Automobile parking lot to be constructed after septic drainfield is abandoned.
- ② Entrance drive paving, and curb and gutter to match new construction for Hudson Blvd.

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 White Bear Lake, MN 55110
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 www.larsonengr.com

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STILLWATER AREA PUBLIC SCHOOLS
 1875 SOUTH GREELEY STREET
 STILLWATER, MINNESOTA 55082

2018 STILLWATER BUS FACILITY IMPROVEMENTS
 STILLWATER AREA PUBLIC SCHOOLS
 STILLWATER, MN 55082

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Greg A. Buchal
 Greg A. Buchal, P.E.
 Date: 04.30.18 Reg. No.: 23793

Rev.	Date	Description
▲	06.06.18	Watershed Comments
▲	09.14.18	City Resubmittal
▲	10.12.18	City Resubmittal
▲	11.06.18	City Resubmittal

Project #: 12176010
 Drawn By: KJA
 Checked By: GAB
 Issue Date: 04.30.18

Sheet Title:
PAVING AND DIMENSION PLAN

C2



STAFF REPORT

DATE: 12/09/19

REGULAR

ITEM #:

TO: City Council
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Final Planned Unit Development (PUD) approval- Lake Elmo Senior Living (39th Street North)**
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City has received a request from Frisbee Properties LLC (c/o Mathew Frisbee) for the approval of the final Planned Unit Development (PUD) Plan for a 60 unit rental senior (for those ages 55 plus) housing development to be known as Lake Elmo Senior Living. This development is proposed for a 5 acre parcel on the north side of 39th Street North, just to the east of Arbor Glen Senior Living facility.

On October 16, 2019, the Planning Commission held a public hearing and reviewed the preliminary PUD plans for the proposed Lake Elmo Senior Housing. After taking testimony from three neighbors and discussing the proposal, the Planning Commission recommended approval of the preliminary PUD plans, subject to conditions.

On November 5, 2019, the City Council considered the preliminary PUD plans for this proposed senior housing. After some discussion and questions by the City Council, they approved the preliminary PUD plans with 20 amenity points for increased density, subject to the conditions listed in the staff report.

ISSUE BEFORE THE PLANNING COMMISSION:

The Planning Commission is being asked to review the final PUD plans, hold a public hearing and then make a recommendation to the City Council about the proposed final PUD plans.

PROPOSAL DETAILS/ANALYSIS:

General Information.

- *Property Owner:* Lake Elmo Business Park Co., Stillwater Minnesota
- *Applicant:* Frisbee Properties (c/o Mathew Frisbee)
- *Location:* North side of 39th Street N, east of Arbor Glen Senior Housing and Lake Elmo Avenue
- *Site Area:* 5 acres
- *Land Use Guidance:* 2040 Comprehensive Plan – Village Mixed Use
- *Zoning:* VMX – Village Center Mixed Use
- *Surrounding Land Use Guidance:* Vacant Commercial (VMX) to the East, Urban Low Density Residential to the North (Village Preserve), Arbor Glen Senior Housing to the West and vacant commercial and institutionally planned land across 39th Street to the South.
- *History:* The property has been used as vacant land.
- *Deadline for Action:* Application Complete: November 7, 2019

- *Applicable Code:* 60-day timeline: January 5, 2020
Article VII – Specific Development Standards
Article XI – Village Mixed Use District

City of Lake Elmo Design Guidelines and Standards Manual

PROPOSAL DETAILS/ANALYSIS:

Ownership and Management: The applicant noted that Ebenezer will assist with the marketing and sales (rentals) of the units with the expectation of filling the facility within 2 years. Ebenezer also will be providing the on-site management (with 3 employees) and consulting services for the facility.

Site Plan. The proposed site plan includes 10 buildings – 42 units in a 3-story building that would parallel the north property line and 9 patio home buildings with 2 units in each for a total of 60 units on the 5 acre site. The apartment building would include amenities such as community room, multi-purpose rooms, fitness room, management office and a food serving kitchen for serving community room. This building also would have indoor parking for 42 motor vehicles.

The detached patio homes would surround the center garden/green area that is shown with gardens, gazebos, bocce ball and pickle ball courts. The patio homes would each have an attached, direct-access garage.

Site and Design Changes. Since the preliminary PUD approval by the City, the applicant has revised the project plans to address several of the concerns raised by the City during the preliminary review process. The changes include:

1. Adding relevant Code information.
2. Updated the civil/site drawings to include the pretreatment areas and details about the infiltration areas and the Stormtech underground chamber.
3. Revised landscaping drawings to address utility line coordination with plantings and details about the resource efficient irrigation system.
4. More information about the building design with the architectural plans.

Site Character. The site is vacant and relatively flat. There is a row of large spruce trees and Amur Maples along the northern property line.

Vehicular Access. The project plans show one driveway into the site that meets the spacing requirement of at least 300 feet from the existing Arbor Glen driveway. The driveway then splits and is shown as 24-foot-wide a loop throughout the site (with parking bays) to provide access to all the buildings. The City Engineer's review memo (attached) provides more details about streets and access for this site.

Trails and Pedestrian Access. There is an existing trail along 39th Street North. The proposed project plans show sidewalks on both sides of the two entrance driveways going into the site that would connect to the trail along 39th Street. These sidewalks would provide pedestrian access to the one-level patio homes, to the gardens and recreation area in the center of the site.

The plans also show a sidewalk going from their site between two of the patio home buildings proceeding west onto the Arbor Glen site. This proposed location is consistent with the preliminary plans approved by the City.

Setbacks. The proposed site plan shows a variety of building and parking lot setbacks on the site. These include a front setback for the buildings of 20 feet (from 39th Street), a setback of 35 feet for the patio buildings from the west and east property lines and a 35 foot setback from the west property line for the apartment building and a 55 foot rear yard building setback (from the north property line) for the footprint

of apartment building. All these setbacks meet or exceed the minimum required by code and as proposed (unless additional public street right-of-way is needed for 39th Street).

Impervious Surfaces. According to the applicant, the proposed site plan has 54.6 percent of the site as impervious surface (buildings and hardscape) and 45.4 percent of the site with pervious surfaces (green space and landscape areas). The City Code for residential development in the VMX Zoning district requires that at least 25 percent of the site have pervious surfaces (a maximum of 75 percent impervious) so, as proposed, the PUD meets this requirement.

Proposed Design. The proposed design of the development is a mix of buildings with a total of 60 units. These include a 42-unit senior living, 3-story building (with a mix of one, two and three bedroom units) with internal parking and the 9 buildings with 2 units in each to create the 18 patio homes. These units will have a mix of 2 and 3 bedrooms and each will have an attached garage space.

According the applicant, the exterior of the buildings will complement the adjacent Arbor Glen facility and will have exteriors with brick, stone, steel shake and horizontal siding with a sloping asphalt shingle roof. All building designs will need to meet the Lake Elmo Design Guidelines and Standards for materials and colors.

Proposed Unit Breakdown. The proposed number of units totals 60. The following provides a breakdown of the proposed unit types and the number of units of each:

Unit Type	Number of Units	Number of Units	Total Number of Units
	Apartment Building	Detached Buildings	
Studios	0	0	0
1-Bedroom	5	0	5
2-Bedroom	32 (16 2-bedroom units and 16 1 bedroom plus den units)	15	47
3-Bedroom	5	3	8
Total	42	18	60

Adherence to Lake Elmo Design Guidelines and Standards.

The proposed development will need to meet the standards of the Lake Elmo design guidelines. It appears that the project will meet the Lake Elmo Design Guidelines and Standards in that:

- The proposed structures are located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right-of-way.
- The buildings are 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 areas do not account for more than 50% of street frontage.
- 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 all the buildings in the development for City approval.

All of the building exterior designs 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 that all the building styles and materials will meet or exceed the City's design standards for multiple-family structures. City staff will need to verify the proposed exterior designs and materials will meet the City's design standards before the City issues building permits for the residential buildings.

Parking. The City's Zoning Code requires one off-street parking space per senior housing unit (regardless of size or number of bedrooms) and at least one visitor parking space per every four units. With 60 proposed senior housing units, the Code requires at 75 parking spaces for this development. In this case, the developer is proposing a total of 119 parking spaces – including 42 parking spaces in the proposed apartment building, 25 surface parking spaces near the front entrance of the apartment building and 10 parking stalls along the entrance driveways (next to the center garden/court area). The proposed plans show that each of the 18 patio homes would have at least one attached garage parking space and a parking space on their driveway (for a total of 42 parking spaces) for these units.

The proposed width and length of parking stalls appear compliant with code, and the proposed width (shown to be 24') is adequate for a 2-way vehicle movement on the two main driveways on the site, according to the Zoning Code. The plans also show two parking spaces proposed to be Americans with Disabilities Act (ADA)-accessible.

Engineering Comments. The City Engineer has provided a detailed review memo (dated December 2, 2019) regarding the proposed final PUD Plans. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation and Site Plans*
 - The site plan shows only one driveway for access to this property. The location of this proposed driveway meets the acceptable spacing guidelines.
 - No parking and construction staging, including the loading and unloading of materials and equipment will be allowed at any time on 39th Street 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 final plans must be revised to maintain all tree planting outside of the front, side and rear drainage and utility easements. Trees should not be planted in the drainage flow paths, near emergency overflows, within 10 feet of storm sewer inlets and outlets or within 10 feet of infiltration and bioretention basins to allow for maintenance access to these facilities.
 - A traffic impact study was completed and submitted as part of the preliminary PUD and site plan application. The Study findings indicate no additional travel lanes, turn lanes or other improvements are required.
 - Private roads internal to the site have been provided at a minimum width of 24 feet. The design of the private roadway network and emergency vehicle access must meet the approval of the Lake Elmo Building Official and the Lake Elmo Fire Department.
- *Right-of-Way and Easements*
 - No additional right-of-way dedication is required for 39th Street North.
 - The applicant shall dedicate to the City a 10-foot-wide drainage and utility easement along the entire north boulevard of 39th Street North for small utilities.
- *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 and extending an 8-inch sanitary sewer in to the property at the applicant's sole cost with private sewer service stubs installed for connection to each individual building.
 - All sanitary sewer mains internal to the site shall remain privately owned and maintained.

- Sanitary sewer availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the SAC connection charges for each building.
- *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. A minimum 8-inch diameter watermain is shown to be extended internal to the site with private water services stubbed for connection to each individual building.
 - All fire hydrants shall be owned and maintained by the City.
 - Drainage and utility easements are proposed to be dedicated to the city for the public watermain and hydrants, with minimum 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.
 - Water availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the WAC connection charge for each building.
- *Stormwater Management*
 - The proposed development is subject the construction of a storm water management plan and system that meets State, Valley Branch Watershed District (VBWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and Valley Branch Watershed District (VBWD) requirements.
 - A Valley Branch Watershed District (VBWD) permit has been obtained, dated November 6, 2019. The applicant must provide the City a full combined PDF Stormwater Management Plan that is signed by a Professional Engineer registered in the State of Minnesota.
 - The 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 the City's standard form of agreement.
 - 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.

Valley Branch Watershed District Comments: As noted above, the Valley Branch Watershed District approved a permit for this development on November 6, 2019.

Traffic Study Summary. The applicant completed a traffic impact review for the proposed development. In summary, the traffic study concluded that “it appears that exclusive turn lanes are not needed. Likewise, the very low number of generated site trips in the peak hours (5-10 estimated trips) appear not to add enough traffic volume to the adjacent streets to necessitate any additional travel lanes or other roadway improvements.”

Tree Removal and Preservation. The applicant submitted a proposed tree and landscaping plan for this site. The latest plans show the developer preserving all the existing trees along the northern property line of the site. The City's tree preservation ordinance allows for 30% removal of significant trees on a site and the City requires a tree mitigation plan showing how the developer will replace any removed trees. In this case, the applicant will preserve all the significant trees on the property.

Landscaping/Screening: As noted above, there is a row of significant large trees along the north property line of the site. These trees provide screening between the existing single-family homes to the north and this development site. The developer/architect has designed the project to preserve as many of

the existing trees as possible. The City Code requires a screening/landscape barrier between a less intense land use and a more intense land use that is at least 90 percent opaque. This standard will apply for the northern property line of this site. To help with the screening, the applicant is proposing to add Black Hills Spruce trees to the areas in the existing tree line where there are gaps or openings between the existing trees.

The applicant provided the City with a detailed landscaping plan for the site 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 PUD and in general he found them in compliance with City Code requirements. He noted that the proposed plans show the planting of more than enough trees (56 proposed, 38 required) but that the proposed mix of trees does not meet code requirements. As proposed, there would be too many ornamental trees planted as a percentage (21 percent proposed, 15 percent maximum) of the total number of trees. However, if the applicant wants the City to approve amenity points for enhanced landscaping, then the City's Landscape Architect notes that the City should allow the extra ornamental trees within the PUD. I have attached his comments (dated November 11, 2019) for your consideration.

All tree removal, screening 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 reviewed the proposed project plans and have provided several comments. Specifically, the Fire Chief noted:

- Ensure compliance with all applicable codes in the 2015 MN State Fire Code.
- R2 and R3 buildings, when fully sprinkled, allow for exceptions. These are addressed in the following 2015 MN State Fire Code Sections, as they relate to previous and current items to be addressed:
 - SECTION 503, FIRE APPARATUS ACCESS ROADS and APPENDIX D, FIRE APPARATUS ACCESS ROADS.
 - Required access to within 150' of all points of building can be increased when sprinkled. This addresses access to the rear of the building.
 - Required turnarounds for dead-end fire access roads over 150' may be increased to 300' when sprinkled. The access road around the west end building exceeds 150'
 - Current width of access roads meets requirements.
- FDC (Fire Department Connection) locations to be determined, as this impacts hydrant locations.
- Fire hydrant locations – Additional hydrants to be added as the current plan with 2 hydrants doesn't meet our standard. To be reviewed with Engineering and Public Works.
 - I met with Engineering and Public Works on 10/9/19 and updated the additional hydrants. Focus Engineering will provide. (Noted in the 12-02-19 City Engineer's memo.)
- Ensure proper access and turning radius's throughout the site to be reviewed by City Engineer to ensure compliance with standards.
- Lockboxes location to be determined.

- Road widths to be reviewed with City Engineer to ensure compliance with current City Standards. NOTE: The driveways on either end of the 42 unit building may need to widen to 26 feet to meet Fire Code Standards for Fire Apparatus.
- Review NO PARKING and FIRE LANE areas for 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.

2040 Comprehensive Plan. The 2040 Comprehensive Plan has designated this site Village Mixed Use (VMX) in the land use plan. The Comprehensive Plan identifies VMX as “an area where a mix of vertically integrated commercial/business and residential uses provide development types that benefit from proximity to each other. Land with this designation is assumed to redevelop or develop with a minimum of 50 percent residential use with a density ranging from 5 to 10 dwelling units per acre.”

The proposal is to have 60 units on a 5 acre site – 12 units per acre. The developer will be asking the City for amenity points to allow for an increase density to 60 units – 10 more than the 50 units allowed by the Comprehensive Plan. The proposed density and amenity points are discussed in more detail later on this report.

Consistency with Village Mixed Use Zoning District. As mentioned, the zoning of the site of the proposed development is VMX (village mixed use). Section 154.500 of the Zoning Code includes the purpose and description of the VMX zoning district. It states in part “the purpose of the VMX district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. Development within areas zoned VMX will occur at a density of 6-10 units per acre. The placement of building edges and treatment of building, parking, landscaping and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district.”

For comparison, staff reviewed the proposed General PUD Concept Plan against the standards including setbacks, impervious coverage, etc. of the Village Mixed Use zoning district, as shown below.

Standard	Required	Proposed
Impervious Surface Maximum	75%	54.6%
Minimum Lot Width	75 feet	450 feet on 39 th Street North
Front Yard Setback	20 feet	20 feet
Interior Side Yard	10 feet	35 feet
Corner Side Yard	10 feet	N.A.
Rear Yard Setback	10 feet	55 feet
Maximum Building Height	45 feet (by PUD)	35 feet
Parking	Not to be located in the front yard or between the front façade and public street.	Parking is located in front of the proposed apartment building, though this proposed parking lot would setback about 300 feet from 39 th Street and would be screened from the street by

		buildings and the proposed garden areas.
Open space	200 square feet of common open space provided per unit. In this case, at least 12,000 square feet of common open space for the 60 proposed units.	It appears there is at least 60,000 square feet of open space provided on site with the garden areas, bocce ball and pickle ball courts and the dog park in the southwest corner of the site.

Consistency with Planned Unit Development Regulations. The applicant has requested City approval of a PUD for this development because it will have multiple buildings on one property and to allow for an increase in density through the use of amenity points. 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. A PUD is required for the proposed development, as more than one principal building is proposed to be placed on a platted lot and the proposed residential density would be greater than the 10 units per net acre as allowed by the Comprehensive Plan.
- **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 in part not a typical, multi-story apartment building and instead proposes some of the units with a one-level townhouse design with private, ground-level entrances and attached garages for each unit.
 - B. *Promotion of integrated land use, allowing a mixture of residential, commercial and public facilities.*
 - The proposed development is a mixture of housing types in an area with a variety of land uses including a building for seniors to the west, single-family homes to the north and vacant properties to the east and across 39th Street.
 - 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 proposing a number of recreational amenities to residents within the PUD including pet playground, gardens, gazebos, bocce ball and pickle ball courts.
 - 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 senior housing opportunities within the City, as there are currently very few multi-family residential or senior housing buildings within the City.

G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*

- The design of the buildings should be compatible with those of the adjacent Arbor Glen and the single-family homes to the north.

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.

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 meets this requirement as it is a 5-acre development.

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 applicant indicated in the application materials that about 29 % of the proposed development would be open space (including green spaces, ball courts and landscaped areas).

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 450 feet of frontage on 39th Street North. The applicant is not proposing any new public streets but rather one private driveway from 39th Street to serve the development that should 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 December 02, 2019, before submitting final construction plans and final PUD approval for this site.

Density. The proposed density for this development is 12 residential units per acre – 60 proposed units on a 5 acre site. The VMX land use designation allow up to 10 residential units per acre. For this site, the maximum allowed density, without amenity points, would be 50 residential units. The developer will be requesting City approval of amenity points to allow for an increased density of 10 additional units (an additional 20 percent).

Proposed Amenities. The City’s PUD ordinance provides that developers may provide amenities with their projects for increased density of up to an additional 20 percent in units. In this case, because the applicant is proposing a housing density of 12 units per gross acre (or 12 units per net acre), the developer will need to provide amenities with the project to justify the increased housing density above the expected allowed density range 6-10 units per acre of the VMX land use designation. In addition, a PUD should

offer the City (and future residents) amenities in exchange for the flexibility of allowing more than one building on a parcel. In this case, the developer is proposing several amenities that he believes are worthy of points for increased residential density.

The City Council reviewed the proposed PUD amenities and amenity points for this proposal during their November 5, 2019 meeting. The following lists the possible amenities, the potential amenity points for each item and the amenity points the City Council approved for each during the meeting on November 5, 2019.

- *Underground or structure parking.* The 18 patio-style units each have an attached, direct-access garage space. The proposed apartment building has 42 indoor parking spaces. It has not been indicated that these designs will reduce the surface parking area outside the footprint of the principal structure by 25%, however, as required by the PUD Code. (10 points possible – **5 points awarded**)
- *Additional Open Space.* The Code requires a minimum of 50 percent of the site not occupied by buildings be landscaped outdoor open space. The types of open space that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers. (10 points possible – **5 points awarded**).
- *Contained Parking.* By proposing 60 garage spaces for its residents, the proposed development limits the amount of visible surface parking. (5 points possible)
- *Pedestrian Improvements.* By having a site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around the site. (5 points possible)
- *Plaza.* The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas that are landscaped or paved open areas shall have a minimum area of not less than 1,000 square feet. (5 points possible – **5 points awarded**)
- *Enhanced Landscaping.* The Code requires “a landscaping plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual.” (5 points possible – **2 points awarded**)
- *Enhanced Storm Water Management.* The plans are to “provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design.” (3 points possible – **3 points awarded**).
- *Theming.* Significant use of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. (3 points possible).
- *Additional Amenities?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance.

I have attached a narrative from the applicant explaining site density, each of the proposed amenities and the points the applicant believes the City should award for each of these project elements for your consideration. They are proposing amenities with a total of 46 potential amenity points. The City Council, with their approval of the preliminary PUD plans and project amenities on November 5, 2019, awarded a total of 20 amenity points for the proposal. This is the total number of points the development needs to have the 60 residential units on this site.

Parkland Dedication. The proposed development does not propose a public park but does provide recreation for its residents through the gardens, play areas and open space. Staff would not recommend a park land dedication with this proposal. The current City Code standard for park dedication for developments in the VMX zoning district is a fee of \$4,500 per acre. At \$4,500 an acre, the park dedication fee for this 5 acre site will be \$22,500. 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 watermain 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 Final Plat and Final PUD Plan for the proposed Lake Elmo Senior Living development as proposed by Ayers Associates based on the following findings:

1. That the Final PUD Plan meets the general intent of the Village Mixed Use Land Use designation in the Comprehensive Plan and the Village Mixed Use zoning district with PUD modifications.
2. That the Final PUD Plan generally complies with the City’s Subdivision regulations.
3. That the Final PUD Plan is generally consistent with the City’s engineering standards with exceptions as noted in the City Engineer’s memorandum dated December 02, 2019.
4. The Final PUD Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
5. The Final 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.
6. That the Final PUD Plan includes several amenities that may be worthy of amenity points to increase the overall housing density in the development. These amenities include: Underground or structure parking, contained parking, pedestrian improvements, a plaza (gathering area), increased landscaping and the use of design elements consistent with the 2013 Lake Elmo Branding and Theming Project.

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the Final PUD Plans for the Lake Elmo Senior Living Development as proposed by Ayers Associates (to be located on the north side of 39th Street) 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 easements that may be needed along 39th Street or around the perimeter of the property.
2. That the future final plat and final PUD Plans identify all requests for flexibility from the Zoning Code.
3. That the applicant address all comments in the City Engineer's Memorandum dated December 02, 2019 with the future final construction and final PUD Plans submittal.
4. That the final construction 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 November 11, 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 construction and final PUD Plans submittal include accurate open space and impervious surface calculations.
7. That the developer provide the City fees in lieu of park land dedication as required by the City Code.
8. That the final construction and final PUD Plans submittal include detailed architectural plans for all the proposed buildings.
9. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development. **(Done)**
10. 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 for all 100-year high water level areas and to protect all overland emergency flow paths.
11. The final Plat/final PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
12. That the PUD overlay zoning allow for the following:
 - a. Setbacks:

Lake Elmo Senior Living (39th Street) Minimum Building Setbacks

Front (39 th Street).	20 ft.
Interior Side	20 ft.
Rear (north property line)	50 ft.

- b. Attached Garages: That the attached garages shall not exceed 1,000 sq. ft. in area.
13. The Final Plat/Final PUD shall include all necessary public drainage and utility easements. This shall include the applicant dedicating to the City a 10-foot-wide drainage and utility easement along the entire north boulevard of 39th Street North for small utilities.
14. The Final construction plan submittal must include a complete storm water management plan and construction plans that provide all design details for the proposed underground storage systems including details regarding building roof drainage connections.

15. 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 against the property.
16. 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 Valley Branch Watershed District approval before starting any grading or construction activities.
17. That the Final construction/Final PUD plans include Valley Branch Watershed District review comments and that the applicant provide the City evidence that all conditions attached to a Valley Branch Watershed District permit will be met before the starting any grading activity on the site.
18. That the final design and placement of each of theming design items shall be subject to City staff approval.
19. 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.
20. That the applicant or developer address all the comments of the Fire Chief and the Building Official with the final PUD, construction site and building plans including the placement of buildings and fire hydrants, street and driveway design, parking and emergency vehicle access within the site.
21. That the applicant show on the final project plans 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 include easement agreements with the final construction and PUD plans.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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 (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.
27. 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.
28. 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.
29. That the maximum density shall not exceed 10 dwelling units per net acre unless the City Council approves specific project design elements and amenity points that increase the allowed density for the proposal. (Note – City Council approved 20 amenity points for this development on November 5, 2019).

30. 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.
31. That the applicant shall submit revised final plat and final 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.
32. That the City's final plat/final 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. 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.

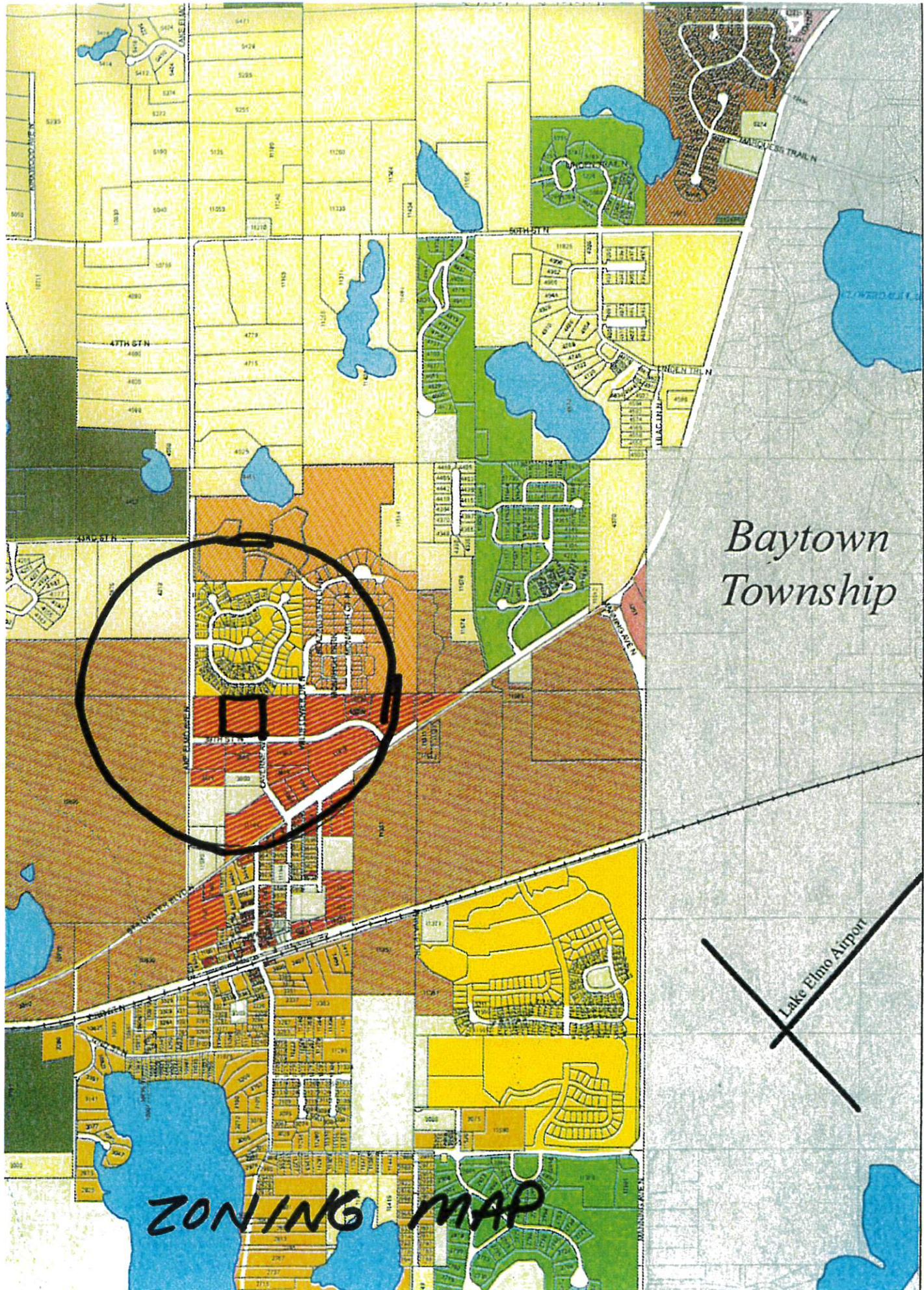
RECOMMENDATION:

Staff is recommending that the Planning Commission recommend to the City Council approval of the proposed final PUD Plan for the Lake Elmo Senior Living development as proposed by Ayers Associates to be located on 39th Street North with the following motion and recommended conditions of approval.

“Motion to recommended approval of the final PUD Plan as requested by Matt Frisbee (Ayers Associates) for PID# 13.029.21.22.0013 for the project to be known as Lake Elmo Senior Living located on the north side of 39th Street North, east of Arbor Glen, subject to recommended findings and conditions of approval as listed in the staff report.”

ATTACHMENTS:

- Zoning Map
- Address Map
- Aerial Photo
- Combined Overall Site Plan
- Project Plans dated November 8, 2019 (35 pages)
- Applicant's Project Summary dated November 8, 2019 (3 pages)
- Applicant's PUD Density and Amenity Points Narrative
- City Engineer review memo dated December 02, 2019 (3 pages)
- Landscape Architect's review memo dated November 11, 2019 (8 pages)



*Baytown
Township*

ZONING MAP

Lake Elmo Airport



Property Viewer



To: Shari Frisbie, Lake Elmo Independent Living, LLC

From: John A. Davis, P.E., PTOE, Ayres Associates

Date: August 30, 2019

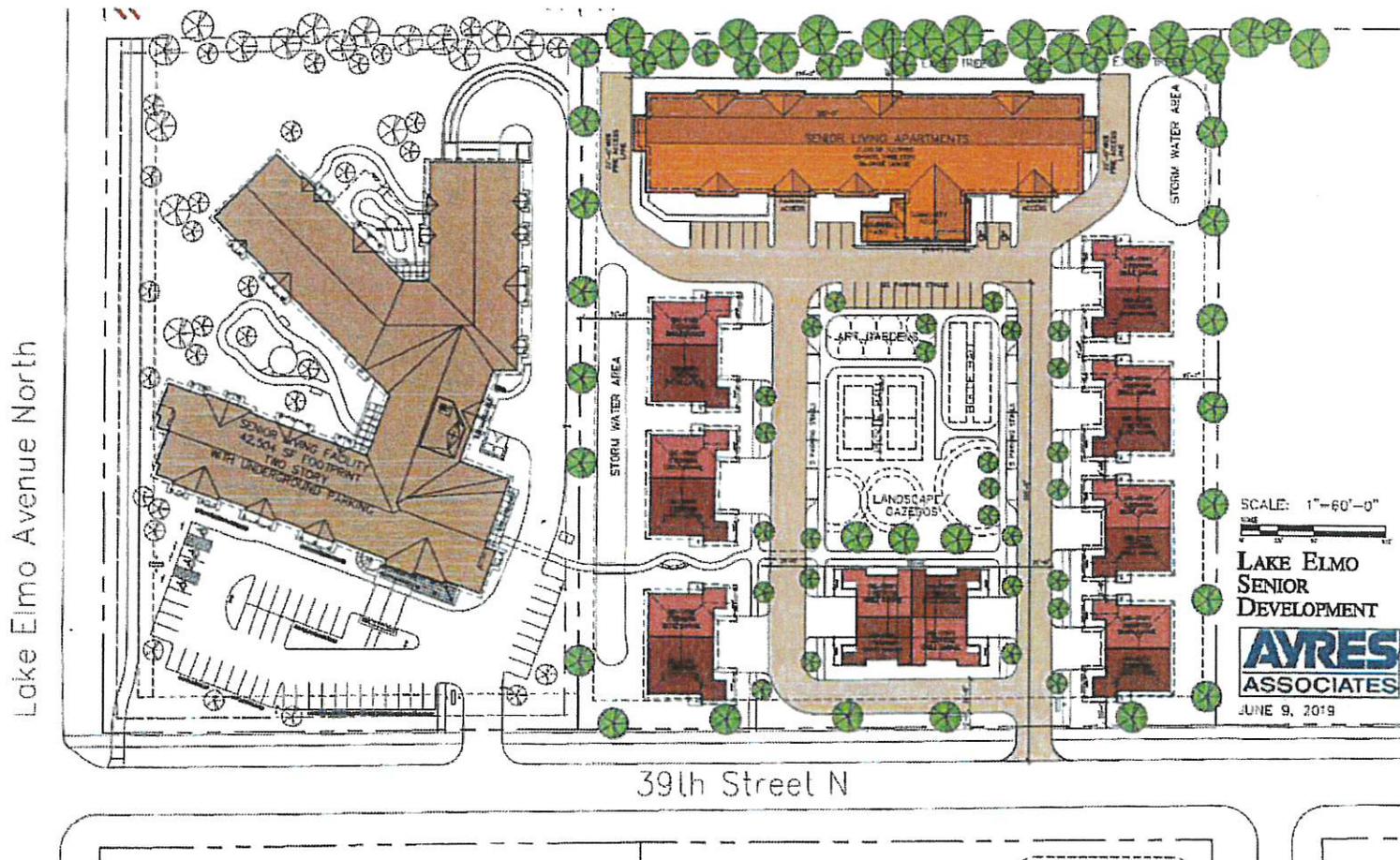
Project No.: 08-1893.00

Re: Senior Living Facility Traffic Impact Review
- 39th Street N – Lake Elmo, MN

As shown in the site plan in Figure 1, the Senior Living Facility proposed for the northeast quadrant of the Lake Elmo Avenue North and 39th Street North intersection is expected to consist of the following two land uses and sizes:

- Independent Living Component - Attached with 42 units and 42 beds
- Independent Living Component - Detached with 18 dwelling units

Figure 1: Site Plan



Using the *ITE Trip Generation Manual, 10th Edition*, the proposed development is expected to generate 230 trips per day. During the peak hours of the adjacent street, there is estimated to be 15 morning peak hour trips and 15 evening peak hour trips, as shown in Table 1 during the peak hours of traffic on the adjacent street. Of the 15 morning peak hour trips, it is expected that 5 trips will enter the facility and 10 trips will exit the facility. Of the 15 evening peak hour trips, it is expected that 10 trips will enter the facility and 5 trips will exit the facility. The Annual Average Daily Traffic (AADT) volumes on the nearby streets is shown in Figure 2.

Lake Elmo Senior Living Project Summary

To: City of Lake Elmo, MN

8 November 2019

From: Mathew Frisbie – Ayres Associates Inc

The following describes the overall project summary for the Final PUD Submittal.

Lake Elmo Senior Living Project with Ebenezer Management

Lake Elmo, MN

Recent Layout and Design Changes from Previous Preliminary PUD Submittal

The following items were updated or changed after listening to the various comments from the city staff, the neighbors, the Planning Commission, and the City Council members:

- Code summary information has been added to the cover sheet.
- Civil/site drawings have been updated to include notation of pretreatment areas, infiltration area sideslopes have been adjusted to meet requirements and details have been added regarding the Stormtech chamber system.
- Landscaping drawing have been revised to address utility line coordination with proposed new trees, information has been added regarding materials for pedestrian areas, and plans and additional details have been added for the resource efficient irrigation system.
- More information on the design development progress set of the architectural plans.
- The Valley Branch Watershed District approved the civil engineering site submittal.

Previous Layout and Design Changes from Initial Concept Review (9-13-19 Submittal)

The following items were updated or changed after listening to the various comments from the city staff, the neighbors, the Planning Commission, and the City Council members:

- One of the access drives coming off of 39th Street North was eliminated, and the development drive now loops back and connects at one location.
- Fire access lanes have been added on both the east and west sides of the 42-unit apartment building.
- The 42-unit building was shifted further to the south to achieve a 55-foot buffer to the north property line to the main building footprint and 50 feet for the 5-foot decks (a 10-foot rear yard setback is required per code).
- The twin homes will have a 35-foot buffer from the east and west property lines (a 10-foot side yard setback is required per code).
- All the existing trees on the site (all on the north property line) will be preserved, protected, and maintained as a good buffer to the residential neighborhood to the north. A tree survey was completed to locate all of the trees. Also, new trees will be added to the north tree line to infill the northwest corner of the site where there are currently some gaps.
- A full landscape plan and civil engineering plans are now part of the submittal.
- A traffic study was completed and the impact to 39th Street North will be minimal.
- The sidewalk connection to the Arbor Glen Senior Living facility was moved slightly to the north to align with the sidewalk access to the main entry of the facility and to the outdoor dining. This location is better for safety while walking a shorter and more direct route.
- The village park in the center of the development is more defined with the pickle ball courts, bocce ball courts, and small playground structure, raised gardens, a trellis, and circulation paths with benches.

- The parking layout has been adjusted per the changes and the new parking count is 120 stalls and 117 stalls are required per city zoning code.

The Location and Demand

This proposed independent senior living project is the 5-acre parcel adjacent to Arbor Glen Senior Living (11020 39th Street) in Lake Elmo.

Lake Elmo is a suburban community of 9,916 people (2018 estimate) in Washington County. While lower-density, Lake Elmo is surrounded by larger neighbors. To the northeast is Stillwater (population 19,750) and Oak Park Heights (4,740). On the southwest is Woodbury (69,500) and on the west is Oakdale (28,100).

Lake Elmo is an appealing residential location as it combines a picturesque rural character with excellent access to shopping and services in the surrounding area. Based on the resident draw pattern of the existing Arbor Glen Senior Living, community orientation, proximity to other senior housing properties in the surrounding area, geographic barriers, and our knowledge of senior housing draw areas, we estimate that a new senior rental housing development on the Site in Lake Elmo would attract approximately 65% of its residents from a draw area (Primary Market Area, or "PMA") that includes Lake Elmo, West Lakeland Township, and Baytown Township. The remaining portion of the senior housing demand (35%) would come from outside the PMA, particularly parents of adult children living in the PMA.

The preliminary senior housing study was completed by Viewpoint Consulting Group, Inc. Based on pent-up demand and the growth in senior households, the Market Study identified an unmet demand for independent senior living units, assisted living units and memory care units. These numbers conservatively reflect a capture rate of 45% of the market area excess demand. The senior population is projected to continue to see an increase for the next five years. This provides for a very healthy and growing senior population.

The Project

The site development for this project, managed by Ebenezer, is a total 60 units designed around a common park-like green space and site amenities for senior independent living. This would consist of a 42-unit senior living three-story apartment building with larger one-bedroom units, two-bedroom units, and two-bedroom units plus dens and the building will have internal parking. The site plan layout will also include 18 patio homes (9 buildings with either two-bedroom or three-bedroom units). The rent structure is comparable to neighboring facilities and other new campuses that are currently being constructed across the region.

The apartment building will incorporate typical senior building amenities such as a community room, multi-purpose rooms, fitness room, management office and a food serving kitchen for serving community room.

The exterior of the buildings will complement the adjacent Arbor Glen facility and will incorporate brick, stone and Hardi-type siding (cementitious siding) with a sloping asphalt shingle roof. The building will be set back off the adjacent streets with extensive patios, landscaping, gardens, walks and courtyards.

The Management Team – Ebenezer Senior Services:

Founded in 1917 by Minneapolis Lutherans to provide community-centered care for homeless older adults and others in need, Ebenezer Society programs and services today include:

- Independent Living (including condominiums, cooperatives and senior apartments)
- Assisted Living
- Memory Care
- Transitional and Long-term Care
- Adult and Intergenerational Day Programs

- Community-based Services
- Management and Consulting Services
- The Ebenezer Foundation

Part of Fairview Health Services since 1995, their combined resources and expertise offer access to a full range of choices for vibrant senior living. In partnership with the University of Minnesota, they are also part of an academic health system improving the patient's clinical experience, conducting nation-leading research and achieving academic prominence.

Ebenezer will assist in analyzing the market, establishing a strategic marketing plan, producing sales collateral, coordinating a public relations plan, and training sales staff. Through Ebenezer's system for managing leads, maximizing sales, and monitoring programs to reach occupancy projections, this new senior living facility hopes to fill this facility within two years of opening.

Ebenezer will provide effective on-site management as well as consulting services in all areas of management. Ebenezer has proven that quality patient care and a positive bottom line can go hand-in-hand. Ebenezer will evaluate the facilities' strengths and weaknesses and they will assess current programs, any service gaps, as well as opportunities and threats in the external market environment. From this, recommendations for new service options tailored to the needs of seniors will be developed and include an individualized implementation plan.

The anticipated number of employees for this independent senior living facility project will be approximately 4 employees. This will include an executive director, a marketing director, staff for activities, and maintenance person.

Please contact me if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mathew J. Frisbie'.

Mathew J. Frisbie, AIA
Vice President – Ayres Associates Inc

PUD Density Calculations Information
Site for Proposed Lake Elmo Senior Living Project

Parcel Number: 13.029.21.22.0013

Legal Description: BROOKMAN 3RD ADD LOT 2 BLOCK 2 SUBDIVISIONCD 37102

Summary:

The Concept Site Plan shows 60 total units – 42 in the three-story apartment building and 18 in the one-level patio home buildings. The existing zoning of the site, VMX, shows the density for development at 6-10 units per acre. So, the summary of the density of the proposed concept site plan starts with the 10 units/acre = 50 units and then we meet several of the PUD “density increases” to meet the 20% increase which adds another 10 unit for a total of 60 units.

Please see our density increase calculations below from the City Zoning Code

From the City of Lake Elmo Zoning Code:

§ 154.754 DENSITY.

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

A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a Planned Unit Development, the applicant will be allowed an equivalent amount of

density increase, up to a maximum increase of 20%. Table 16-1 outlines the required amount of amenity points to achieve various density increases.

Table 16-1: Amenity Points and Equivalent Density Increases

<i>Amenity Points</i>	<i>Density Increase</i>
5	5%
10	10%
15	15%
20	20%

B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 16-2, including the associated standards of implementation. Some of the amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. Where the amenity does not meet all of the standards required in Table 16-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 16-2.

C. *Site Amenities Not Listed.* The city may also consider the allotment of amenity points for site amenities that are not otherwise specified within this ordinance as part of the preliminary plan phase of the planned development.

Table 16-2: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.
<i>Points</i>	<i>Amenity</i>	<i>Standards</i>

**+10
points**

**+0
points**

10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking	The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear-loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.

**+5
points**

**+0
points**

**+0
points**

**+5
points**

**+0
points**

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
+2 points	5 Pedestrian Improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements.
+0 points	5 Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
+5 points	5 Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
+5 points	1-5 Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
+3 points	3 Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
+3 points	1-3 Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
+0 points	3 Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.

**Estimated total of +/-38 potential points awarded
Max points allowed is 20 points for 20% density increase**

MEMORANDUM

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4285

Date: December 2, 2019

To: Ken Roberts, Planning Director
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer
Re: Lake Elmo Senior Development
Final Plan Review

Engineering has reviewed the Final PUD and Site Plans for the Lake Elmo Senior Development to be located along 39th Street North, just east of Arbor Glenn Senior Living. The submittal consisted of the following documentation received November 11, 2019:

- Final PUD and Site Plans dated November 6, 2019, prepared by Ayres Associates.
- Erosion Control and Storm Water Management Plan dated September 17, 2019 prepared by Ayres Associates.
- Traffic Impact Study dated August 30, 2019 prepared by Ayres Associates.

Engineering review comments are as follows:

Final Construction Plans and Specifications must be prepared in accordance with the latest version of the City Engineering Design Standards Manual, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.

STREETS AND TRANSPORTATION

- Site Access/Access Management is sufficient. The site plan provides for one driveway access to the development. The proposed access meets the acceptable spacing guidelines from the existing driveway at Arbor Glen and maintains an adequate offset from the south leg of Laverne Avenue.
- Traffic Impact Study. A traffic impact study has been submitted as part of the site plan application. The Study findings indicate no additional travel lanes, turn lanes or other road improvements are required.
- Private roads internal to the site have been provided at a minimum width of 24 feet. Additional width up to 32 feet is provided where bump-out parking is accommodated. Fire lanes to the east and west side of the Senior Living Building have been provided. The private roadway network and emergency vehicle access must meet the approval of the Lake Elmo Building Official and Fire Department.

RIGHT-OF-WAY AND EASEMENTS

- No additional right-of-way dedication is required along 39th Street North. The site plans show that the existing right-of-way provides a minimum of 40 feet from street centerline along the entire length of the property.
- 39th Street North Utility Easement Dedication. A 10-foot drainage and utility easement for small utilities must be dedicated to the city along the entire north boulevard of 39th Street North. The plans indicate that this easement exists for the current platted lot. The site plans must be prepared in a manner to preserve the full 10-feet for small utility installation with no obstructions (e.g. signs, trees, structures, etc.).
- Drainage and utility easements for the public watermain and hydrants must be dedicated to the city in the city's standard form of easement agreement. These easements have been shown on C501. However, no easement agreements have been submitted as required by the conditions of preliminary plat.

STORMWATER MANAGEMENT

- The site plan is subject to a Storm Water Management Plan meeting State, VBWD and City rules and regulations. A Valley Branch Watershed District (VBWD) permit has been obtained, dated November 6, 2019. The applicant must provide a full combined PDF Stormwater Management Plan. The plan must be signed by a Professional Engineer registered in the State of Minnesota.
- The storm water facilities constructed for this development will remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the city's standard form of agreement.
- Stormwater calculations indicate that the proposed private stormwater basins on-site include sufficient storm water detention to reduce the storm water rates discharging to the public storm sewer systems located along 39th Street North. Therefore, no additional downstream capacity is shown to be needed.

MUNICIPAL WATER SUPPLY

- The proposed property is located in the Old Village MUSA and intermediate water system pressure zone.
- Connection to the municipal water supply is readily available to serve this property. 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. A minimum 8-inch diameter watermain is shown to be extended internal to the site with private water services stubbed for connection to each individual building.
- Hydrants and gate valves are proposed throughout the property as directed by the Fire Department and Public Works Department. The most northeastern hydrant must be relocated in accordance with the plan submitted to the developer's engineer dated October 9, 2019. The hydrant service must be moved north of the water services for all twin homes. The 8-inch service line north of the relocated hydrant "tee" must be clearly labeled "Private Water Service" for the Lake Elmo Senior Living Building. The hydrant "tee" must be clearly labeled "end of public watermain".
- Drainage and utility easements are proposed to be dedicated to the city for the public watermain and hydrants, minimum 30-foot easements centered over the hydrant or pipe, as shown on C501. These easements must be revised per the revised watermain layout required in this plan review.
- Water availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the WAC/Connection charges for each building.

MUNICIPAL SANITARY SEWER

- The proposed property is located in the Old Village MUSA current Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor.
- Connection to the municipal sanitary sewer system is readily available to serve this property. The applicant will be required to connect, at its sole cost, to the existing 8-inch PVC stub that was installed to serve this property. An 8-inch diameter sanitary sewer main will be required to be extended internal to the site with private sewer service stubs installed for connection to each individual building.
- All sanitary sewer mains internal to the site shall remain privately owned and maintain.
- Sewer availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the SAC/Connection charges for each building.

SITE PLANS

- The plans must incorporate construction parking and staging that clearly provides for the maintenance of unobstructed traffic along 39th Street North, the protection and preservation of 39th Street North, and the restoration of any damage within the public right-of-way. No parking and construction staging, including loading and unloading materials and equipment will be allowed along 39th Street North at any time during the construction of the site improvements and buildings. All street 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.

- C100 and C200. Existing conditions and demolition plans are incomplete. The plans must clearly label all existing utilities, including utility type, material, and size; label all adjacent streets, showing street name, street width, and right-of-way width; label all trails and sidewalks including trail and sidewalk width.
- C200. Revise sawcut location. Street cuts are allowed only to full drive lane widths.
- C300. Revise asphalt patch location along 39th Street North to provide only full drive lane patches.
- C300-C500. All plans must clearly label all existing utilities, including utility type, material, and size; label all adjacent streets, showing street name, street width, and right-of-way width; label all trails and sidewalks including trail and sidewalk width, and pavement types.
- C400. Site Grading. The grading plans must be revised to show the “low floor elevation for all buildings. Plans currently show first floor elevations but do not clearly indicate slab on grade structures. Plan notes must clearly indicate the lowest floor elevation allowed for any building.
- C500. Site Utilities. Relocate the most northeastern hydrant in accordance with the plan submitted to the developer’s engineer dated October 9, 2019. The hydrant service must be moved north of the water services for all twin homes. The 8-inch service line north of the relocated hydrant “tee” must be clearly labeled “Private Water Service” for the Lake Elmo Senior Living Building. The hydrant “tee” must be clearly labeled “end of public watermain”.
- C500. Castings appear to be called out as WisDOT standards; Neenah type should be indicated in plans.
- C500. Remove the 24”x6” orifice reference for Structure S05 to be consistent with the approved HydroCAD model.
- C501. Easements. Revise the drainage and utility easement per the revised watermain layout required on C500.
- C807. Revise plan note on Storm Chamber Sheet 5 or 5 from 9” Stone Foundation to 1.6 feet of Stone Foundation to be consistent with the HydroCAD model and the table on Storm Chamber Sheet 2 or 5. Approved HydroCAD model assumes 1.6 feet of stone under arch gallery.

LANDSCAPE PLANS

- L101 and L102. Correct Plan scale.
- L101 and L102. Revise tree planting locations to eliminate drainage conflicts. Trees should not be planted in drainage flow paths, near emergency overflows, within 10-feet of storm sewer inlets or outlets, or within 10-feet of infiltration and bioretention basins to allow maintenance access around basin perimeters.



To: Ken Roberts, City of Lake Elmo Planning Director
From: Lucius Jonett, Wenck Landscape Architect
Date: November 11, 2019
Subject: City of Lake Elmo Landscape Plan Re-Review (11-11-2019)
Lake Elmo Independent Living Review Initial #1_Revised (10-18-2019)

Submittals

- Site Demolition (Tree Preservation) Plan, dated September 12, 2019, received September 25, 2019.
- Landscape Plans, dated September 12, 2019, received September 25, 2019.
- Final PUD City Submittal, dated October 25, 2019, received November 7, 2019.

Location: East of Arbor Glen Senior Living (11020 39th Street) in Lake Elmo, MN

Land Use Category: Village Mixed Use

Surrounding Land Use Concerns: N/A

Special landscape provisions in addition to the zoning code: Screening is required along the north property line per City code.

Tree Preservation:

An existing conditions and site demolition plan showing tree survey, removal and preservation plan has been submitted, including a tree inventory showing individual trees that are exempt, removed and saved. The allowable tree removal limit is not exceeded; therefore no mitigation plan or replacement trees are required.

		Entire Site	
Total Caliper Inches of Significant Trees On-Site:		1364.0	Cal Inches
	Common Trees	1364	
	Conifer/Evergreen Trees	0	
	Hardwood Trees	0	
	Nuisance Trees	0	
Significant Inches Removed On-Site		35	Cal Inches
	Common Trees	35	
	Conifer/Evergreen Trees	0	
	Hardwood Trees	0	
	Nuisance Trees	0	
30% Tree Removal Limits (Cal. Inches)		Allowed	Proposed
	Subtract Common Tree Removals	409.2	35
	Subtract Conifer/Evergreen Tree Removals	0	0.00
	Subtract Hardwood Tree Removals	0	0
Removals in excess of 30% allowances			
	Removals in excess of 30% allowances	0.0	Cal Inches
	Common Removals in Excess of 30% Allowance	0.0	
	Conifer Removals in Excess of 30% Allowance	0.0	
	Hardwood Removals in Excess of 30% Allowance	0.0	
	Common Tree Replacement Needed (1/4 the dia inches removed)	0.0	Cal Inches
	Conifer Tree Replacement Needed (1/2 the dia inches removed)	0.0	Cal Inches
	Hardwood Tree Replacement Needed (1/2 the dia inches removed)	0.0	Cal Inches
	Common Tree Replacement Required @ 2.5" per Tree	0	# Trees
	Conifer Tree Replacement Required @ 3" per 6' Tall Tree	0	# Trees
	Hardwood Tree Replacement Required @ 2.5" per Tree	0	# Trees

- A. Tree replacement is not required because less than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.
- B. Tree replacement calculations follow the required procedure and are correct.

Landscape Requirements:

The landscape plans meet the code required number of trees. The proposed landscape plans show more than the code required tree quantities.

	Master Plan (Code Required)	Master Plan Proposed	
Street frontage	430		Lineal Feet
Lake Shore	0		Lineal Feet
Stream Frontage	0		Lineal Feet
Total Linear Feet	430		Lineal Feet
/50 Feet = Required Frontage Trees	9		Trees
Development or Disturbed Area	223600		SF
Development or Disturbed Area	5		Acres
*5 = Required Development Trees	25		Trees
Interior Parking Lot Spaces*	35		Spaces
/10 = Required Parking Lot Trees	4		Trees
Perimeter Parking Lot Frontage Length	0		Lineal Feet
/50 = Required Frontage Strip Trees	0		Trees
Required Mitigation Trees	0		
Required Number of Trees (**or***)	38		
Total Trees to Date		56	

*Residential development - mitigation replacement trees are in addition to landscape required tree counts.
 ** Commercial, mixed-use development - mitigation replacement trees can be included toward landscape required tree counts.

1. A minimum one (1) tree is proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

Because the applicant is proposing to provide more trees than is required by code, the landscape plans do not appear to meet the minimum compositions of required trees (up to 15% of the required number of trees may be ornamental). The proposed planting species, quantity and composition all exceed City requirements.

Master Plan	Qty	% Composition	
Deciduous Shade Trees	24	43%	>25% required
Coniferous Trees	20	36%	>25% required
Ornamental Trees	12	21%	<15% required
Tree Count	56		

- A. A landscape plan has been submitted that does include all requirements.
- B. The landscape plan does include the landscape layout requirements:
- C. Interior Parking Lot Landscaping – The development does include interior parking lots.
1. At least 5% of the interior area of parking lots with more than 30 parking spaces is devoted to landscape planting areas. The parking lot is measured at approximately 5,521 square feet and a planting bed measuring approximately 6,578 square feet separates the parking lot from the northern building. The planting area is approximately 119% of the interior of the parking lot area.
 2. The planting area includes 8 shade trees satisfying the minimum required tree planting requirements for interior parking lots.
- D. Perimeter Parking Lot Landscaping – The development does not include perimeter parking lots.
- E. Screening – Screening is required along the north property line per City code. The landscape plan utilizes existing trees on the north edge of the property, preserves existing trees on site as a buffer to the north property line and proposes additional tree plantings to enhance the screening. The landscape plan meets screening requirements.
- F. PUD Amenity Points Requested

1. Additional Open Space standards **have not** been met.

Approximately 44% of the site not occupied by buildings is landscape outdoor open space (50% minimum required).

Approximately 44% of the landscape outdoor open space is contiguous (50% minimum required).

2. Pedestrian Improvement standards have been met.

A site and building design has been provided that allows for accessible pedestrian and/or bicycle access through and/or around the site.

Addition detail on any decorative materials, access control or lighting should be provided.

3. Plaza standards have been met

The development has included a public square that is wholly enclosed by buildings, is 14,555 square feet (1,000 square foot minimum required).

4. Enhanced Landscaping standards have been met

- An enhanced Landscaping Plan has been provided that exceeds the requirements of the Lake Elmo Design Standards Manual.
- The Landscaping Plan does detail a resource efficient irrigation system.
- The Landscaping Plan has been signed by a licensed landscape architect.

5. Theming standards have **not** been met

- Theming elements consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings, have not been shown on the landscape plans or in the details.

Findings:

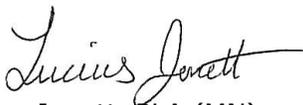
- Up to 15% of the required number of trees may be ornamental tree per city code. Currently, the percentage of ornamental trees is too high. But the applicant has elected to use Enhanced Landscaping amenity points as part of their PUD submittal and has provided landscaping above and beyond City minimum requirements. Having a higher percentage of ornamental trees should be allowed for this development.
- All utilities and pavements are now shown on the landscape plan to review for tree placement conflicts. The previously marked 8 trees with potential utility conflicts have been checked with the updated landscape plan with utilities and there are no conflicts.
- The standard for the Pedestrian Improvement amenity requires trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities. A plan or details on any decorative materials, access control or lighting should be provided.
- The standard for the Enhanced Landscaping amenity requires that the landscaped areas should have a resource efficient irrigation system. A plan or details on how the irrigation system will be designed to be resource efficient has been provided.
- The standard for the Theming amenity requires elements consistent with the 2013 Lake Elmo Theming Project. Addition detail on proposed signage, fencing, landscaping, lighting and site furnishings, should be provided.

Recommendation:

It is recommended that conditions of approval include:

1. Submit a revised landscape plan including the following:
 - a. Provide additional detail on any decorative materials, access control or lighting used for Pedestrian Improvements.
 - b. Provide a plan or additional detail on the theming elements (signage, fencing, landscaping, lighting and site furnishings) used for Theming amenity points.

Sincerely,



Lucius Jonett, PLA (MN)
Wenck Associates, Inc.
City of Lake Elmo Municipal Landscape Architect



PLANNING COMMISSION
DATE: 12/09/19
AGENDA ITEM: 4B – BUSINESS ITEM
CASE #

ITEM: **Minor Subdivision** – DPS Lake Elmo

SUBMITTED BY: Ken Roberts, Planning Director

REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a minor subdivision request from Continental 483 Fund (Continental Development) and Alan Dale (the property owner) to divide approximately 69 acres of land into four separate development parcels. The proposed minor subdivision would facilitate the transfer of separate parcels to developers before the recording of their respective final plats. This includes the site (proposed Outlot D) for the construction of the Springs Apartments to be located on the northeast corner of Hudson Boulevard and Julia Avenue North. Staff is recommending approval of the minor subdivision, subject to conditions.

GENERAL INFORMATION

Applicant: Continental 483 Fund (Gwen Wheeler), Menomonee Falls, WI 53051

Property Owners: DPS-Lake Elmo, LLC (Alan Dale), 6007 Culligan Way, Minnetonka, MN 55345

Location: Property between Hudson Blvd and 5th Street North - PID Numbers
34.029.21.43.0003 (east) and 34.029.21.34.0006 (west)

Request: Application for a Minor Subdivision to split said property into four separate parcels

Existing Land Use and Zoning: Former homestead and open field; future development site for the Springs Apartments and the Union Park Townhouses.

Current Zoning: HDR (urban high density residential) and PUD

Surrounding Land Use and Zoning: North – Single-family homes in Savona across 5th Street North; East – Future commercial development site on the north side of Hudson Boulevard and the Savona Townhouses; West – Existing commercial development along Hudson Boulevard; South – Interstate 94 across Hudson Boulevard

Comprehensive Plan: MU-C (mixed use commercial)

History: On October 1, 2019, the City Council approved the proposed Final Plat and Final PUD Plans for Springs Apartments, subject to the conditions of approval listed in the staff report.

Deadline for Action: Application Complete – 11-08-2019
60 Day Deadline – 01-07-2020

Extension Letter Mailed – No
120 Day Deadline – N/A

Applicable Regulations: Chapter 153 – Subdivision Regulations

REQUEST DETAILS

The City of Lake Elmo has received a request from Continental 483 Fund (Gwen Wheeler) and DPS Lake Elmo (Alan Dale - the property owner), for a minor subdivision. This request is to divide the property between Hudson Boulevard and 5th Street North into four parcels. The purpose of the proposed minor subdivision is to facilitate the transfer of the proposed parcels to separate buyers (the development companies) before the recording of final plats. This includes proposed Outlot D to Continental 483 Fund for the Springs Apartments and Outlots A and C to Pulte for the Union Park townhouses. The proposed minor subdivision also would create an Outlot B immediately west of the future Julia Avenue that would be future development. The property owner intends to develop the future Outlot B for a mix of uses, but the City has not yet received any development applications for this part of the minor subdivision.

The reason for this request is the expected timing of real estate transactions. As you may recall, the City approved the Union Park final plat as requested by Pulte earlier this year for this same property. That final plat included parcels for the Union Park townhouses, the right-of-way for Julia Avenue and a separate lot for the Springs Apartments. Unfortunately, the Continental 483 Fund is expecting to close of the purchase of their development site (proposed Outlot D) for the Springs of Lake Elmo in February. This closing date is before Pulte wants to record the Union Park final plat as approved by the City. Without the recording of the Union Park final plat, the Continental 483 Fund does not have a separate parcel to purchase for their development.

This minor subdivision, if approved by the City, creates separate parcels for all the development sites so each development company may make their purchases separate from each other and not contingent on the recording of the Union Park final plat. All the proposed parcels are consistent with the shapes and sizes of the lots in the approved Union Park final plat. The applicant also is proposing a 100-foot-wide street easement running north/south through the center of the site for the future Julia Avenue.

The City's Subdivision regulations allow for certain subdivisions of land to be exempt from the City's requirements for platting when no more than four lots are being created, when no new public infrastructure, rights-of-way or streets are necessary and when the proposed lots meet the minimum road frontage and area requirements of the underlying zoning. The proposed minor subdivision does not require any new public infrastructure or any new public street rights-of-way as those improvements are in place. Each of the lots the minor subdivision would create exceed the commercial zoning requirements concerning lot size and lot frontage (20,000 square feet and 100 feet respectfully). As such, the proposed plat meets all the City requirements for a minor subdivision.

The City should require the applicant to change the proposed minor subdivision to drop Outlot E from the plat. This is because the City does not allow minor subdivisions to include lots or rights-of-ways for streets and because 5th Street North is already covered by an existing street easement.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed DPS Lake Elmo minor subdivision:

- That the DPS Lake Elmo minor subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the DPS Lake Elmo minor subdivision is consistent with the Union Park final plat, with the Springs of Lake Elmo PUD plans and with the standards of the City's HDR (high density residential) zoning district including lot width and minimum lot area.
- That the DPS Lake Elmo minor subdivision meets the requirements of the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

RECOMENDATION:

Staff recommends that the Planning Commission recommend approval of the minor subdivision request from Continental 483 Fund and DPS Lake Elmo to divide the property between Hudson Boulevard and 5th Street north into four development parcels, subject to the applicant/owner:

1. Dedicating to the City a 100-foot-wide street easement for future Julia Avenue.
2. Removing Outlot E from the subdivision.

Suggested motion:

“Move to recommend approval of the proposed DPS Lake Elmo minor subdivision that will subdivide the property between Hudson Boulevard and 5th Street north into four development parcels, subject to the applicant/owner dedicating to the City a 100-foot-wide street easement for future Julia Avenue and removing Outlot E from the subdivision.”

ATTACHMENTS:

1. Location Map
2. Property Line Map
3. Proposed Minor Subdivision (2 pages)
4. Street Easement Exhibit (Julia Avenue)

[Sign in](#)



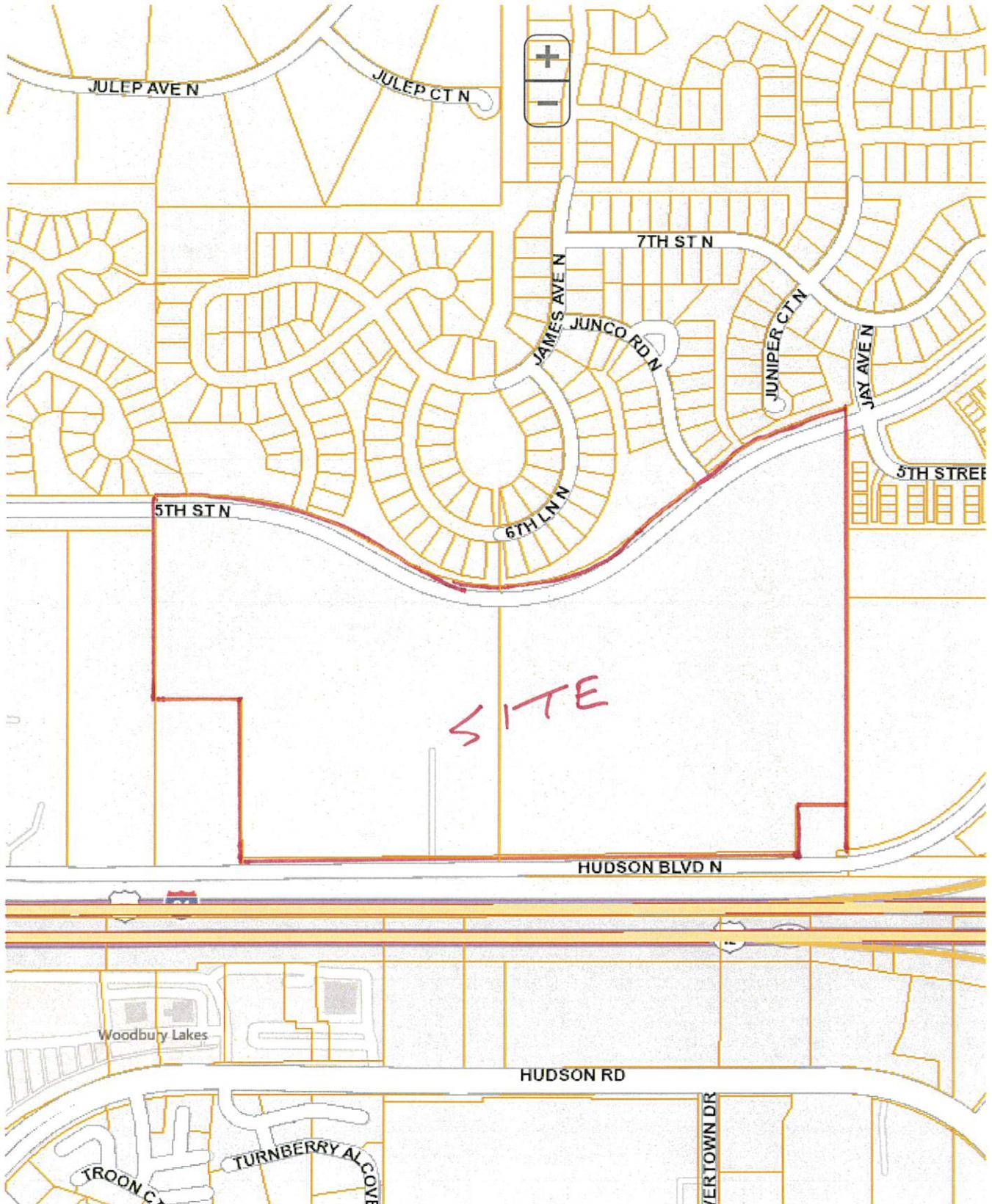
Property Viewer



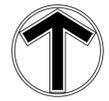
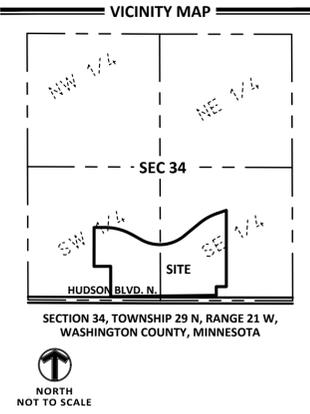
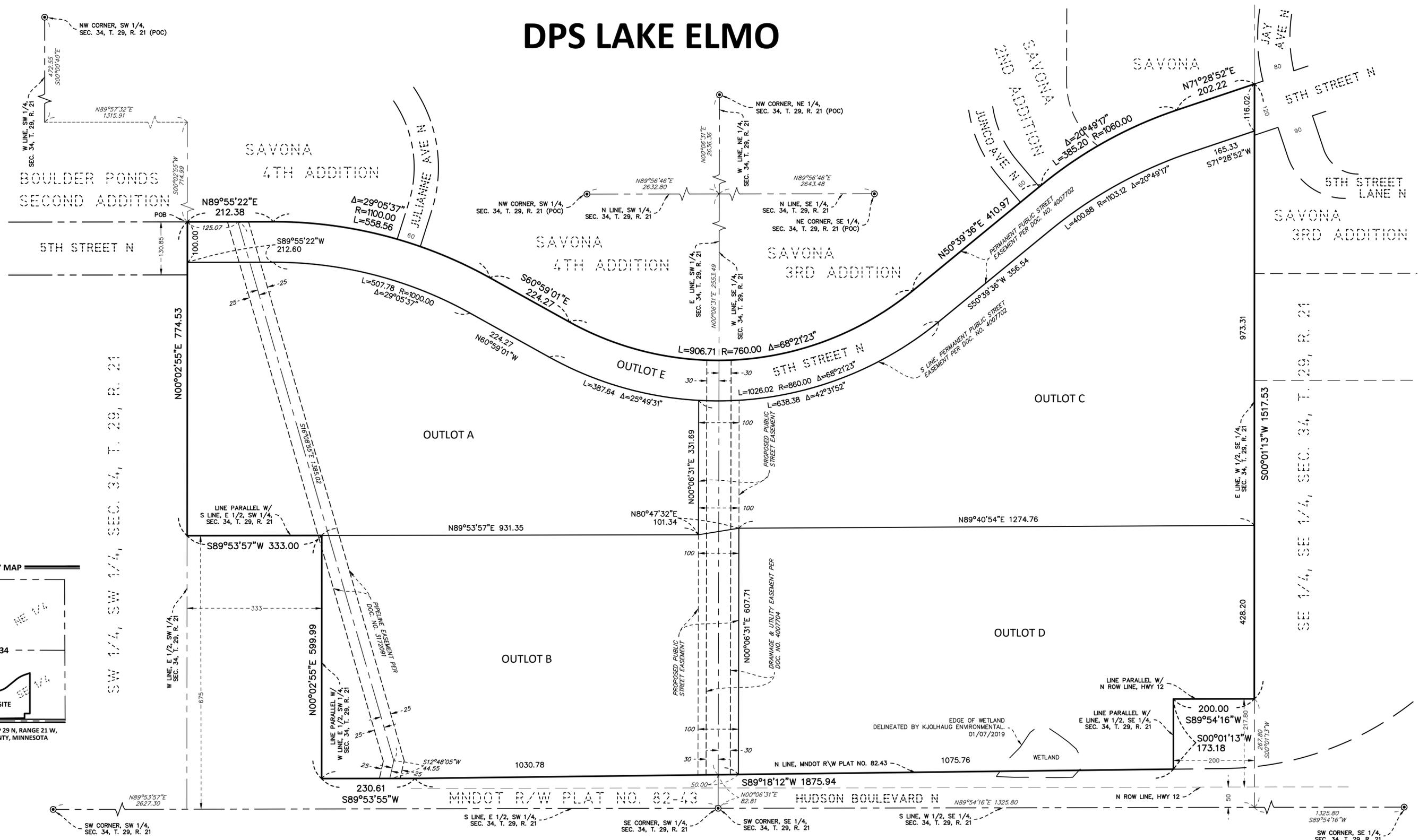
[Sign in](#)



Property Viewer



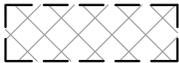
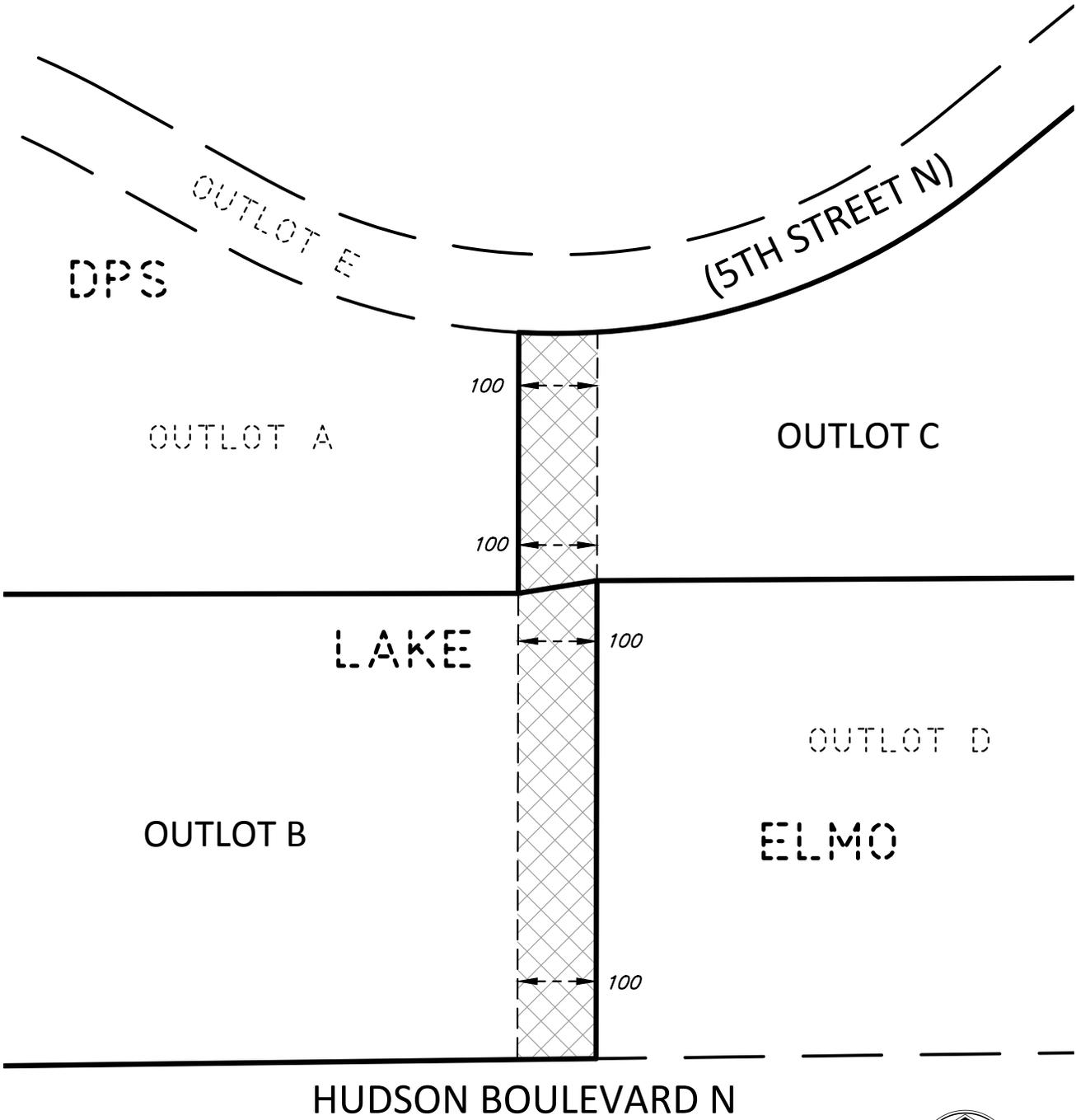
DPS LAKE ELMO



0 120 240
SCALE IN FEET

- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 44530.
 - DENOTES 1/2 INCH BY 14 INCH IRON PIPE FOUND AND MARKED BY LICENSE NO. 18425 UNLESS NOTED OTHERWISE
 - ⊙ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT FOUND
- THE SOUTH LINE OF THE SOUTHEAST QUARTER, SECTION 34, TOWNSHIP 29, RANGE 21 IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 54 MINUTES 16 SECONDS EAST.

SAMBATEK, INC.
ENGINEERING, PLANNING
AND LAND SURVEYING



DENOTES STREET EASEMENT



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STAFF REPORT

DATE: December 9, 2019

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Driveway Ordinance – Additional Curb Cuts
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND

The City reviewed Code Language pertaining to driveway curb cuts in 2018. During that review it was determined if a lot was able to meet specific conditions then a second curb cut could be allowed. One of the main limiting factors to this is the road classification. Additional access would not be allowed for lots that face a collector or arterial roadway.

REQUEST OF THE COMMISSION

Would the Commission considering the allowance of additional curb cuts onto roadways that are not under the jurisdiction of the City?

PROPOSAL DETAILS/ANALYSIS

During the review in 2018 Public Works and Engineering Staff indicated that there is a general lack of support for second curb cuts, as there is more potential for damage to city streets and curbs and more cost involved during street work projects. However, the intent of the proposed ordinance change would be to allow additional curb cuts onto streets that are not maintained by the City. With this being the case the issue of maintenance and increased cost during resurfacing does not necessarily fall to the City.

Local Roadways – Generally consist of township roads or local City streets with the intent of directing traffic to specific neighborhoods.

Arterials – These roads are larger highways or roads offering high speed mobility.

Collectors – Can be divided into either major or minor collectors. These can be either City or County roadways which connect neighborhoods. Minor collectors are more or less limited to within the neighborhood.

Proposed Change.

The change would allow properties to have additional curb cuts if the controlling road entity approves the request. This would only apply to roads that are not under the jurisdiction of the City.

FINANCIAL IMPACT

Since the change will not have an impact on City controlled streets there a fiscal impact is not expected.

RECOMMENDATION:

- Recommend approval as proposed
- Recommend approval with amendments
- Recommend denial

ATTACHMENTS:

1. **Ord. 08-206** amending City's driveway ordinance
2. Map 7-1 Street Map (*From Comp Plan*)

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-206

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S DRIVEWAY STANDARDS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Section 93.26: Driveways, by amending the following:

(C) *Number of curb cuts.* In residential districts, each property shall be limited to 1 curb cut per dwelling unit. Up to two curb cuts may be allowed when neither access is onto a collector or arterial street when the lot exceeds 150 feet in width, when there is a minimum of 40 feet of spacing between driveway curb radii, and when the total width of both driveways does not exceed 26 feet.

a) Regardless of the road classification, properties addressed to a road that is not under the jurisdiction of the City may obtain additional curb cuts by receiving permission from the overseeing entity of that roadway. The total accumulation of the driveway(s) width is further determined by that entity and is not limited to 26 ft.

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SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-206 was adopted on this ___ day of April 2019 by a vote of ___ Ayes and ___ Nays

LAKE ELMO CITY COUNCIL

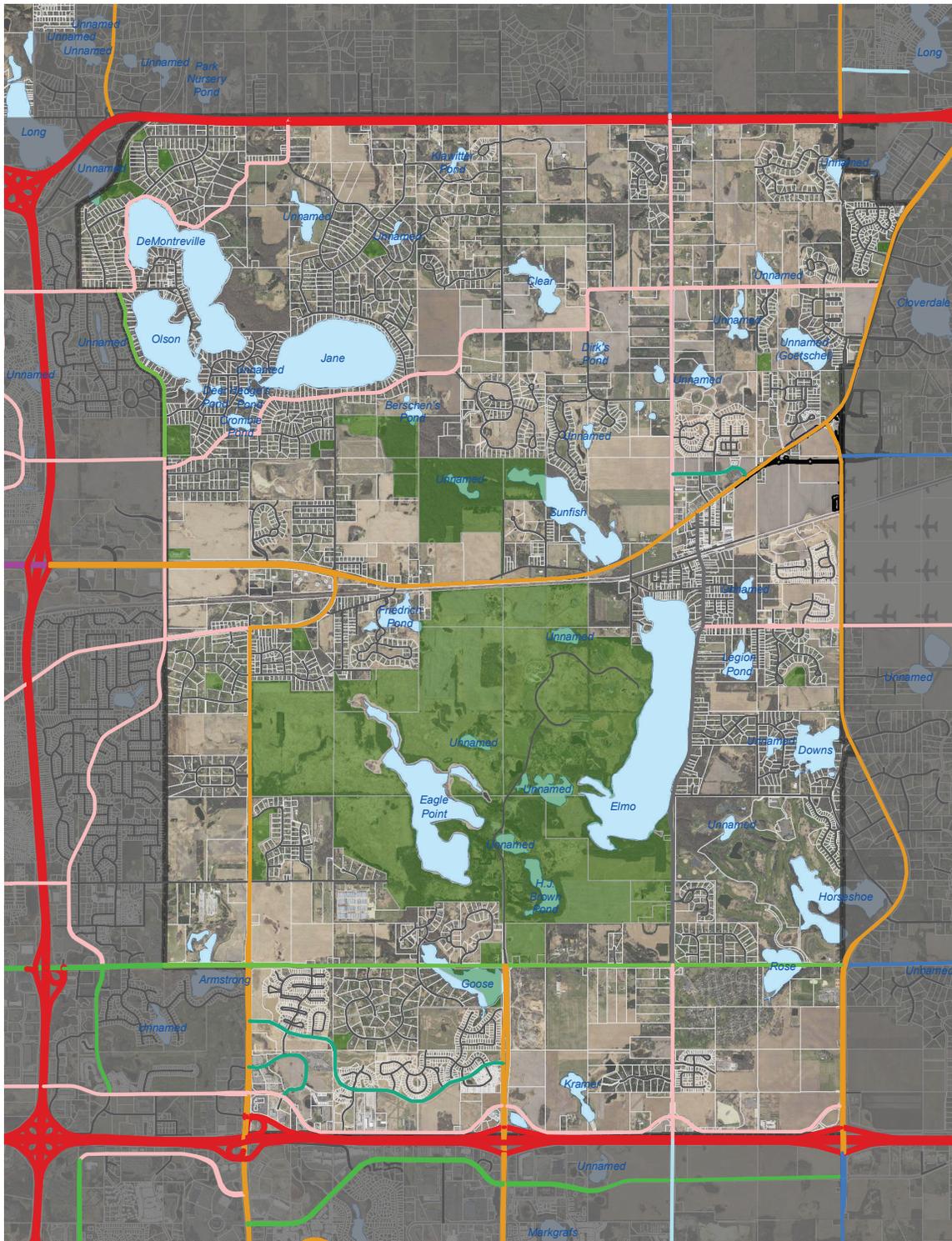
Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-206 was published on the ___ day of _____, 2019.

Map 7-1. Existing Functional Classification of Roadways



Existing Functional Classification of Roadways

- | | |
|-----------------------|--------------------|
| Classification | A-Minor Expander |
| | Principal Arterial |
| | Other Arterial |
| | A-Minor Augmentor |
| | A-Minor Connector |
| | A-Minor Reliever |
| | Major Collector |
| | Minor Collector |



Source: MnGEO, Metropolitan Council,
Washington County, City of Lake Elmo,
SHC, Focus Engineering

