



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 September 9, 2019
at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. August 26, 2019
4. Public Hearings
 - a. Variance Requests – Mercil Residence (8126 Hill Trail)
 - b. PUD Concept Plan Review - Applewood Pointe Senior Housing (Hudson Blvd and Eagle Pointe Blvd)
 - c. Final Plat and Final PUD - Springs Apartments (Hudson Boulevard and Julia Avenue)
5. New Business
6. Communications/Updates
 - a. City Council Update 9-03-2019 Meeting

Union Park First Addition Final Plat
 - b. Staff Updates

October 8, 2019 City Council Workshop – Urban Land Institute
 - c. Upcoming PC Meetings:
 1. September 23, 2019
 2. October 7, 2019
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 August 26, 2019**

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

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

COMMISSIONERS ABSENT:

STAFF PRESENT: City Engineer Griffin, Planning Director Roberts, City Planner Prchal

Approve Agenda:

M/S/P: Hartley/Risner move to approve the agenda, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes:

Weeks asked that the record reflects that the Public Hearing was opened and closed.

M/S/P: Hartley/Cadenhead, move to approve the July 22, 2019 minutes as amended, ***Vote: 6-0, motion carried unanimously.***

Public Hearings

9447 Stillwater Boulevard N. Variance Requests

Prchal reported that the applicant is requesting two variances to construct a new accessory structure on his property. The first request is for the location of the accessory building to be located closer to the front lot line than the principle structure and the second for the height of the proposed accessory structure. Accessory structures are limited to 22 ft. or the height of principle structure, whichever is more restrictive.

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted.

- 1) Staff findings for Practical Difficulties because of circumstances unique to the individual property.
 - **Variance for Height of Structure:** *Although the building exceeds the 22 foot height requirement the applicant has attempted to design the structure to mimic*

the design of the home. Because the resemblance is similar to the principle building the request does appear to be reasonable.

- **Variance for Accessory Building Setback:** *The request does appear to be reasonable because any location on the property would not require a variance. The 150 setback requirement from the lake would make placement behind the home on the west side impossible and placing the structure on the east side of the home would interfere with the shared driveway to the home south of the property (9495 Stillwater Blvd.)*

2) Staff findings for Unique Circumstances not created by the landowner.

- **Variance for Height of Structure:** *Staff had difficulty determining the unique circumstance that would warrant approval of the structures height. The site is relatively flat so there is no difficulty measuring the height of the building. Staff does not believe this criteria is met.*
- **Variance for Accessory Building Setback:** *The current residential structure was built by a previous owner, so there is no way the applicant would have been able to establish a different building location for the either structure to avoid the need for a variance. There is limited space in the rear of the home, Friedrich Pond requires a 150 ft. buffer and the property has a shared driveway that prevents the use of the other side of the property. Staff believes this criteria is met.*

3) Staff findings for Character of Locality.

- **Variance for Height of Structure:** *Although the structure may be measurably taller than some of the neighboring homes, according to the survey the foundation would be about 4 feet lower than the neighboring homes foundation. Staff believes this criteria is met.*
- **Variance for Accessory Building Setback:** *Although the structure would be located in front of the home, the proposed building location would not change the character of the local area. Staff believes this criteria is met.*

4) Staff findings for Adjacent Properties and Traffic.

- **Variance for Height of Structure:** *The structure would not be of such a height that it would begin to shade neighboring properties or structures, nor would it impair air flow. Furthermore, the height would not cause an increase of traffic or congestion of traffic.*
- **Variance for Accessory Building Setback:** *The location of the structure would not cause an increase of traffic or congestion, it would not shade the neighboring properties or structures, nor would it impair air flow.*

Weeks opened the Public Hearing.

Todd Elwire, applicant, explained the reason for the variance is because the garage was designed to match the existing house. He also explained that the height will be less than

the house and the property slopes about 4 feet to the location of the garage and will appear shorter. The siding on the building would be the same as the house. The applicant said the shed near the house would be removed when this structure is built.

Weeks closed the Public Hearing.

The Planning Commission discussed the merit of not including the portion of the roof that is decorative in measuring the height. They discussed the style of the roof of the existing structure and whether that was unique to the property itself to satisfy the conditions for approval. They also discussed if it was more important for the accessory structure to match roofline of the house or if the height to match the code requirements.

Cadenhead mentioned that he views similarity to the primary structure as same type and color of siding, but not including the roof line. Weeks added that there are existing structures on the site that do not have the same roofline as the proposed structure.

Roberts explained that it could be designed as a one story structure and then it would not require a variance to the City's height standard.

M/S/P: Holtz/Cadenhead move to approve the location variance with the removal one of the sheds shown on the survey, **Vote: 6-0, motion carried unanimously.**

M/S/P: Holtz/Risner move to deny the height variance on the grounds that it does not meet the criteria about unique circumstances of the property and recommend to the council that the top portion of the structure is classified as decorative and recommend that other solutions are provided to bring the structure to the 22 feet required in the Zoning Code, **Vote: 5-1, motion carried, with Hartley voting in opposition.**

M/S/P: Cadenhead/Hartley move to review other community accessory structure height requirements in rural zones, **Vote: 6-0, motion carried unanimously.**

New Business

Review April 2019 Revisions to Engineering Design and Construction Standards Manual

Griffin presented that the manual sets minimum requirements for public infrastructure, to construct consistent and compatible infrastructure throughout the City, to communicate with the development community about the standards and to expedite plan design, review, and approval. It provides 60 approved details that can be placed right into the plans that are submitted.

Griffin gave an example of a 28 foot wide road and some of the difficulty with those road widths for Public Works and Fire. He provided the new criteria for developing a 28 foot wide road under the new standards. He also mentioned that in high density development areas, the standard road width has now been increased to 36 feet. He

explained that the only development that would meet this level of density would be Springs and they are developing private roads, so this standard does not apply.

Griffin discussed some of the other Right-of-way changes such as distance for off-set roads, increasing the minimum pavement base, allowing stormwater ponds to be in private outlots with easements, and a number of other items.

Griffin also mentioned the he identified some discrepancies that he has passed along to Planning for review and that Engineering and Valley Brand Watershed District are close to having stormwater reuse standards.

M/S/P: Hartley/Steil move to the April 2019 Revisions to Engineering Design and Construction Standards Manual, ***Vote: 6-0, motion carried unanimously.***

City Council Updates – August 20, 2019

1. Carmelite Chapel Variance and CUP approved 4-1.
2. Four Corners 2nd Addition Final PUD and Final Plat approved 5-0.

Staff Updates

1. Upcoming Meeting
 - a. September 9, 2019 – There will be three public hearings: One for Springs Apartment Final Plat and PUD, the second for a concept plan for a senior housing plan in the Eagle Point Business Park, and the final one will be for a new home on Hill Trail that needs several variances for Shoreland, bluffs, setbacks, and septic system setbacks.

Meeting adjourned at 8:45 pm

Respectfully submitted,

Tanya Nuss
Permit Technician

**STAFF REPORT**

DATE: 9/9/19

REGULAR

ITEM#: 4A – PUBLIC HEARING

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Variance Requests for 8126 Hill Trl. N
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

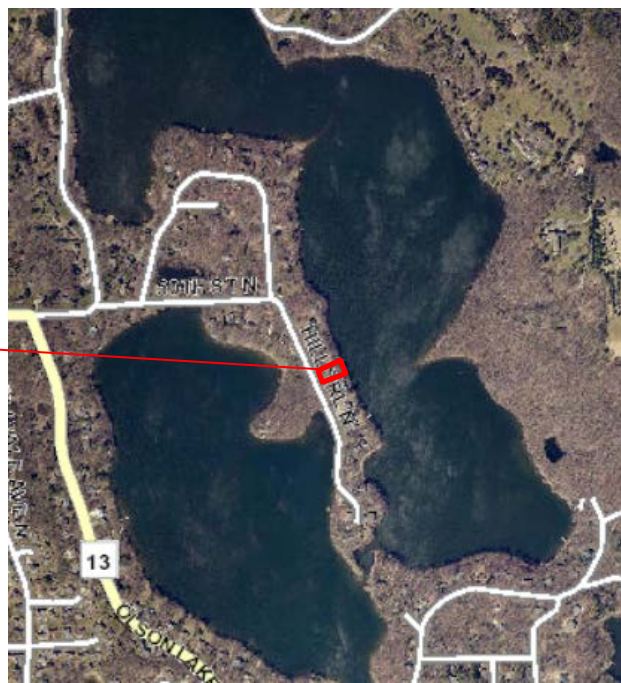
The City has received several variance requests from Tim and Lacey Mercil (Applicant), for the property located at 09.029.21.22.0008 (addressed as 8126), owned by Mike and Ruth Schrantz. They are requesting City approval of the variances in order to construct a new home on the property. They are seeking relief from the City Code's minimum setback from the top of bluff, the setback from the ordinary highwater line (OHWL), the maximum amount of impervious surface, minimum lot size in the riparian zone, and the 20,000 sqft. septic field requirement. The applicant had previously submitted their variance application in April of 2019. After discussing the project with the applicant, they decided to pull their application due to complications on determining a viable drainfield. Since April the applicants have been working with Washington County to get an approved septic permit for the property, which they now have. Please know that Staff has been working with the applicant and the numbers in the narrative do not match the survey that is under review.

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing, review and make recommendation on the above mentioned variance requests.

REVIEW/ANALYSIS:

<i>PID</i>	09.029.21.22.0008
<i>Existing Land Use/Zoning:</i>	Single-family detached residential home guided for Rural Single Family.
<i>Surrounding Land Use/ Zoning:</i>	Surrounded by single family homes guided for Rural Single Family / Rural Single Family
<i>History:</i>	The property is part of the Lane's on Demontreville development and has been vacant for many years. The plat for the development was signed in 1927/28.
<i>Deadline for Action:</i>	Application Complete – 8/9/2019 60 Day Deadline – 10/8/2019 Extension Letter Mailed – N/A 120 Day Deadline – N/A
<i>Applicable Regulations:</i>	<ul style="list-style-type: none">• Article V - Zoning Administration and Enforcement• Article XVIII – Shoreland Management Overlay District• Table V, Section 16, Chapter Four of the Washington County Development Code• Article XI – Rural Districts



PROPOSED VARIANCES

Variance Requests. The applicant is requesting to build a single family home with a foundation size of 44 feet wide by 29.75 feet long which is 1,309 sqft. The following table outlines the code requirement and the proposed figure for the variance request.

Standard	Required	Proposed	Variance from Code
Structure setback from OHWL of Recreational Development (RD) Lake, Averaging is allowed	66.5 ft. average (100 ft.)	64 ft.	2.5 ft.
Structure setback from Top of Bluff on a Recreational Development Lake	30 ft.	24 ft.	6 ft.
Minimum septic area	20,000 sqft.	3,000 sqft. (Mound system, County approved)	17,000 sqft.
Impervious surface	15%	20.5%	5.5%
Lot Width RS	125 ft.	99.99 ft.	25.01 ft.
Minimum lot area RS District	1.5 acres	0.48 acres	1.01 acres
Riparian Lot	.91 acres		.43 acres

Standards Met. The following table outlines the standards that are met on the property.

The Applicant has an approved septic permit from Washington County. Beyond that, City Staff is only looking to ensure that the septic is located an appropriate distance from the water and review the sizing requirement.

Standard	Required	Proposed
All septic related setbacks have been approved via the septic permit issued by Washington County.	County Enforced	Standard Met
Standards that are met are outlined below		
Sewage tank setback from water supply wells	50 ft.	50 ft.
Drainfield setback from occupied structure	20 ft.	24 ft.
Sewage tank setback from occupied structure	10 ft.	32 ft.
Drainfield setback from property lines	10 ft.	10 ft. or more
Sewage system setback from the OHWL of Recreational (RD) Lake	75 ft.	120 ft.
Side yard setback	10 ft.	11/54 ft.
Front yard setback	30 ft.	94 ft.
Rear Yard setback	40 ft.	64 ft.

Reason for Variance Requests. These variance requests are mostly due to the lot size of the property. The lot was established prior to current zoning criteria and prior to the ownership by the applicant's family. The initial establishment of the Lanes Demontreville Country Club subdivision was established in 1925. The lots are very small by today's standards, which has caused issues for homeowners in the area. The small lots coupled with the shoreland standards has added an additional burden for new and existing home owners in the area.

Setback from High Water Line and Bluff.

Highwater Line Setback 154.800 table 17-3

As previously mentioned in the above table, the proposed house is setback 64 feet from the OHWL of Lake Demontreville. The code requires a 100 ft. setback for structures from Recreational Development lakes. However, Section 154.800 12. of the Shoreland Management Overlay District allows some relief and states the following:

154.800 12 c. Setback averaging. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone;

The proposed home would be outside the impact zone by 11 ft. but the setback from the OHWL of the houses on the adjacent lots averages to 66.5 ft. Unfortunately, the proposed home would be setback 64 ft. which is 2.5 ft. shy of being allowed without a variance. Because the proposed design cannot meet the average setback, a variance is required. With setback averaging being a possibility Staff likes to consider sightline impacts to the neighboring homes. The location of the home as compared to homes to the north and south is shown below and will likely not inhibit lake views for neighboring properties.

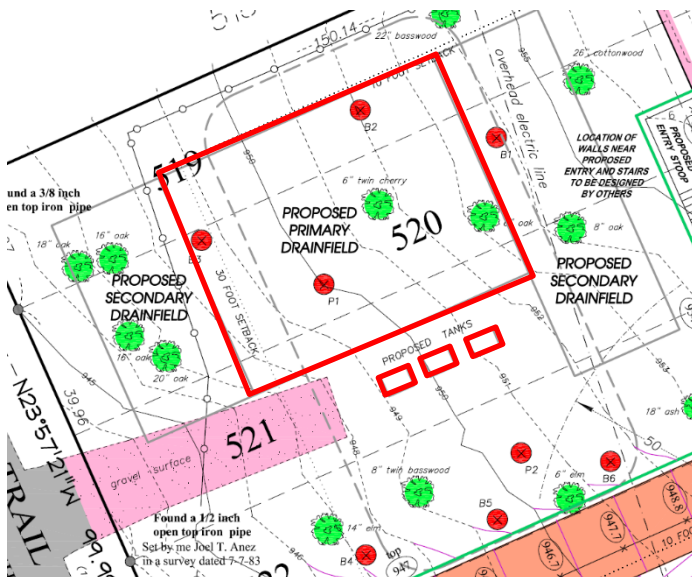


Top of Bluff 154.800 table 17-3

The shoreland management section of the code requires that structures maintain a setback of 30 ft. from the top of a bluff. The applicant is proposing a setback of 24 ft. which is 6 ft. shy of the required 30 ft. mark. They are showing an impact zone of 20 ft. which the home is clear of but the proposed patio is not. The patio is outside of the shoreland impact zone by 4 ft. but is clearly not outside of the bluff impact zone.

Minimum Septic Size. Section 154.404

The Zoning Code requires that all lots within the rural districts maintain at least 20,000 square feet of land suitable for septic drainfields and area sufficient for two separate distinct drainfield sites. This is an impossible expectation for this lot because it is 19,712 sqft. in size. Because the City does not involve themselves with the permitting of septic systems an approved septic permit from Washington County is be required for this property. Fortunately the applicant has been proactive in working with Washington County and has received an approved permit. Staff spoke with Washington County Staff, who permits septic, systems and it was relayed that the proposed system will be able to function and meet their setback requirements.



Impervious Surface. 154.800 Table 17-3

The RS district has a maximum impervious surface percentage set at 25% (154.401 table 9-1). The lot easily meets this standard. However, the impervious surface standard for a un-sewered lot abutting an RD lake is 15% (154.800 table 17-3), which is why there is a need for a variance. The applicant is requesting a variance of 5.5% to have an impervious surface area of 20.5% on the property.

Lot Size and Width 154.402 and 154.800

Both the RS district and the shoreland management codes require larger lots than what the applicant is working with. The RS district requires a minimum lot of 1.5 acres and the shoreland code requires a minimum lot of .91 acres. The lot is 19,712 sqft. and was established well before the zoning code was put into place, which is a common theme amongst homes in the development.

Rural District 154.402

The minimum lot size within the Rural Single Family zoning district is 1.5 acres. There is a provision within the Zoning Code that states that "...any such lot or parcel of land which is in a residential district may be used for single-family detached dwelling purposes, provided the area and width of the lot are within 60% of the minimum requirements of this chapter; provided, it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling..." The subject lot does not

meet this requirement as it is 0.48 acres (20,706 sqft.), which is only 32% of 1.5 acres. Therefore, a variance is required to use the lot for a single family detached dwelling. However, being that Washington County has issued the lot a septic permit, safe sewage treatment is deemed to be present.

The design of the home is capable of meeting the setback requirements of “this section” which is 154.402 of the code and outlines the setbacks to the front, side, and rear lot lines.

Shoreland Standard 154.800 12.

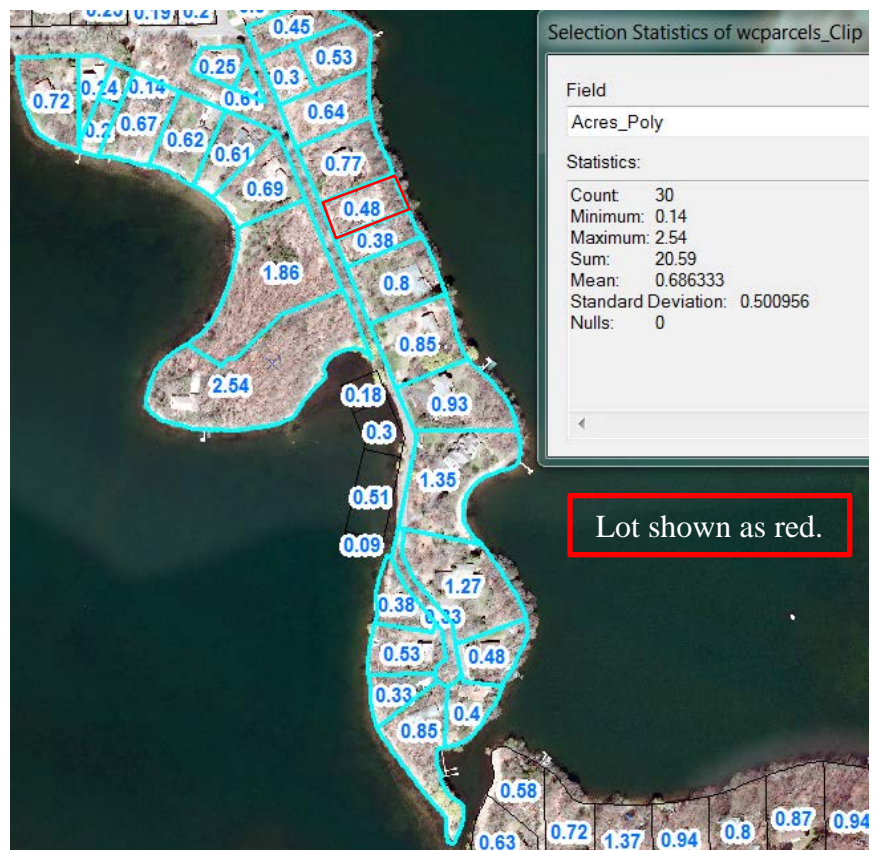
The minimum lot size for an unsewered single family detached dwelling within the shoreland district is 40,000 square feet. The lot size of the subject parcel is 20,706 square feet. The lot also does not meet the minimum shoreland district standards in Subdivision 12 of the shoreland ordinance which states that “All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Section 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.” Additionally, MN Statute 462.357 subd 1(e) subdivisions (d) through (j) specifically deal with shoreland lots of record that do not meet the requirements for lot size or lot width.

Subdivision 1(e) states that a nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

- (1) all structure and septic system setback distance requirements can be met;*
- (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and*
- (3) the impervious surface coverage does not exceed 25 percent of the lot.*

The lot is very close to meeting the requirement of the Statute but still falls short.

The map shows acreage of surrounding properties and more specifically shows the average (mean) of all the lots along the peninsula.



AGENCY REVIEW

Engineering Review. The City Engineer has reviewed the proposed variances. Some of the Engineering comments are incorporated below.

1. Septic System. I am concerned with the accuracy of the submittal in regards to the proposed primary and secondary septic systems. The survey shows a primary system and two secondary drain-field areas. However, the septic design document shows the proposed mound system needing to be 75 feet x 40 feet. These dimensions would allow for only a primary system with no secondary system being available.

This is relevant information and the City should consider primary and secondary sites for residential lots. However, the City does not perform permitting, inspection, or site review for septic systems. Washington County has determined that the site with the approved septic system is adequate for single family use.

2. Driveway. The driveway exceeds the City maximum grade of 10.0% (proposed at 10.4%). The proposed grades are improved over previous design submittals but should a driveway grade variance be part of the application?

93.26 G)Driveway grade. Driveways exceeding a grade of 10% must be approved by the City Engineer. Exceptions must demonstrate an inability to meet the 10% maximum grade due to extenuating circumstances. *Staff does not believe a variance is required for the proposed driveway.*

3. Impervious Surfaces. The narrative presents impervious surface as 3,735 SF. When I scale the proposed survey I get over 2,500 SF for the driveway and it appears that they did not include the proposed entry and stoop (at approx. 220 SF). In short my calculations are approx. 4,420 SF impervious or 22.4%. You should have the applicant update the application or revise the survey to conform with the impervious surfaces.

The figures used in the narrative do not match the most recent survey for the request. Though the numbers may not the intent in the narrative remains the same. Furthermore, the engineering numbers are very close to the ones on the most recent survey.

4. Drainage. The driveway drains a significant area directly to the public street (Hill Trail) with no real drainage provisions at the street. However this is consistent with what is happening with adjacent properties in the area. Also, the new impervious surface does not exceed 6,000 SF and does not require a VBWD permit for rate and volume control.

Review by Minnesota Department of Natural Resources (MNDNR). The application was sent to the MNDNR and their comments are attached. They are also recommending the City apply some conditions to the approval.

- Modify existing construction design (to minimize variance to percent impervious and other requested variances).
- Direct rain gutter discharges into a rain garden (infiltration basin designed to capture and infiltrate runoff).
- Include a condition that requires that the shoreline remain in a natural state and that no future development is allowed in the Shore Impact Zone on this property (no patio, water-oriented accessory structure, beach, fire pit, stairs, etc).

These seem to be fairly standard comments. It is their responsibility to look out for the shoreline and do their best to protect the lakes, which means limiting the amount of impervious surface within the shoreland district(s).

ADJACENT VARIANCES

8114 Hill Trail. (2013) – Received a variance to build a house on a lot that was sub-standard in size with a septic system that also did not meet the City sizing requirements. The variance was for the following:

- The construction of a single family home on a lot not considered a buildable lot of record per the Lake Elmo Zoning Ordinance; and
- The installation of a subsurface sewage treatment system on a lot that does not contain the necessary area suitable for a septic system as required by the Lake Elmo Zoning Ordinance.

8130 Hill Trail. (2017) – The applicant was seeking approval to expand a non-conforming structure and modify the septic area. The septic site also needed a variance because setbacks could not be met. The details are listed below:

- Septic dispersal area 10 from the property line (variance to allow 4 feet from the southern property line).
- Septic dispersal area 20 feet from the shoreland bluffline (variance to allow 15 feet).
- Septic dispersal area 75 feet from the Ordinary High Water Level (variance to allow 50 feet).
- Septic dispersal area 10 feet from a non-occupied structure (variance to allow 6 feet).
- A variance to allow expansion of a non-conforming structure not meeting the minimum required structure setback from the Ordinary High Water Level on a lot not meeting minimum lot size requirements of the Rural Single Family zoning district. The expansion includes an expansion to an existing deck; frost footings to the northwest corner of the house; an addition to the house to match the current house width; an entry roof adjacent to an existing deck attached to the garage; a walkway connecting the garage and house; and a screened porch, as indicated in the site plan dated 7/24/17.

8114 Hill Trail 22.1% impervious surface

7972 Hill Trail 17% impervious surface

8130 Hill Trail Was for septic and structure setbacks, impervious surface dropped from 27 to 25%

8056 Hill Trail 25.4% impervious (variance for setbacks, connected to City 201 system)

RECOMMENDED FINDINGS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to City Code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS:

- **Variance from Minimum Structure Setback from OHWL:** *The property was platted and established prior to current development standards and has a short depth, and so half the lot is within the required setback for a structure from the Ordinary High Water Level. Therefore, a structure and its utilities could not be constructed on the subject lot without a variance. The Applicant is proposing to construct a single family detached dwelling on the property, which is a permitted use within the Rural Single Family Zoning District and is not uncommon in the area. The standard is met.*
- **Variance Setback from Top of Bluff:** *The property was platted and established prior to current standards and because the existing code was not in place the lot has a short depth, and so adequate spacing was not provided during the subdivision process. Geographical features were not taken into account and so the top of bluff is now posing as an issue. The proposed home will still have a 24 ft. buffer from the top. The situation of the home does seem reasonable when factoring in all other conditions with the bluff. The septic area would support a single family detached dwelling on the property, which is a permitted use within the Rural Single Family Zoning District. The standard is met.*
- **Variance for Maximum Impervious Surface:** *The applicant does not appear to have intentionally gone over the allotted impervious surface allocation. Regardless of intent the proposal still does exceed the allowed percentage of 15%. However, repositioning the home would cause setback issues with the septic system. There can be conditions applied to the approval that*

- **Variance from Minimum Septic Area:** *The required 20,000 square feet of septic is larger than the lot itself. The Applicant is proposing to construct a mound system, which will not require as large of a drainfield area as would a Type I System. Provided the Applicant obtains the required permits, the proposed septic area will suffice for a mound system to support a single family home, which is a permitted use in the Rural Single Family Zoning District. The request for a decrease in needed septic area is reasonable and is supported by the fact that the system can support the home. The standard is met.*
- **Variance from Minimum Lot Size:** *Again the property was platted and purchased by the Applicant's family prior to the current development standards. Because of this, there was no influence over the size of the lot. Furthermore, the thought of 100 ft. setbacks from the lakes did not seem to be present when the lake shore lots were created, making compliance difficult for today and the future. The Applicant is proposing to construct a single family detached dwelling on the property, which is a permitted use within the Rural Single Family Zoning District. The standard is met.*

- **Variance from Minimum Lot Size:** Again the property was platted and purchased by the Applicant's family prior to the current development standards. Because of this, there was no influence over the size of the lot. Furthermore, the thought of 100 ft. setbacks from the lakes did not seem to be present when the lake shore lots were created, making compliance difficult for today and the future. The Applicant is proposing to construct a single family detached dwelling on the property, which is a permitted use within the Rural Single Family Zoning District. The standard is met.

2) Unique Circumstances. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS:

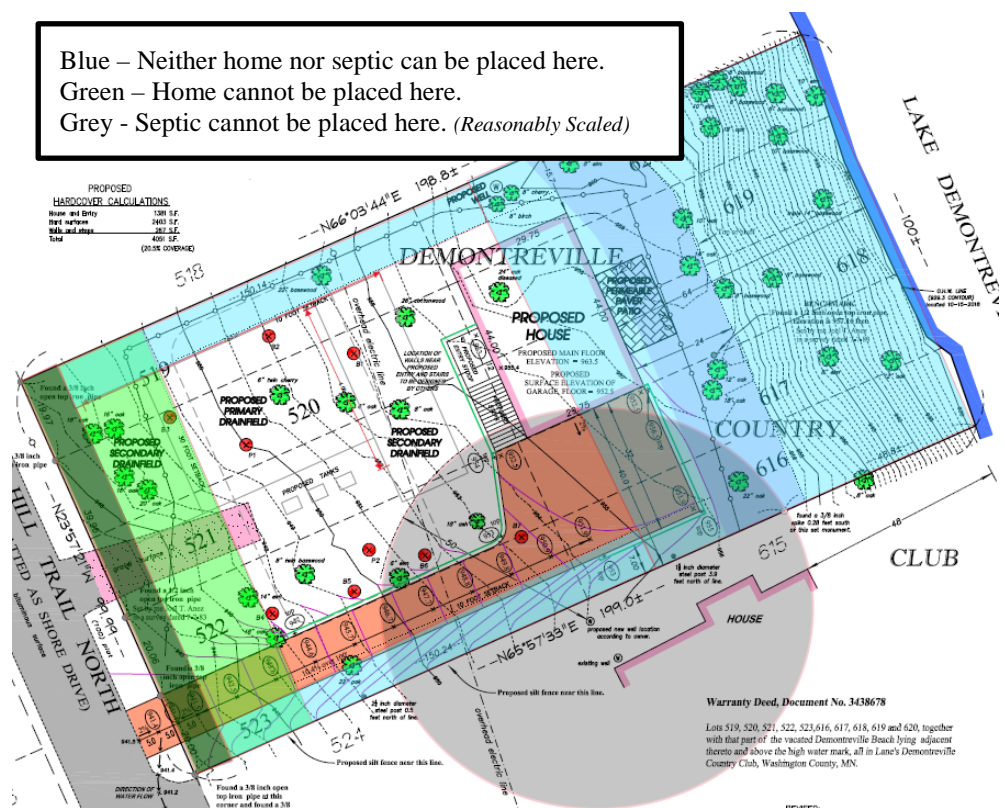
- **Variance from Minimum Structure Setback from OHWL:**

The property was platted and purchased by the Applicant's family prior to current standards. As with many lake lots they are typically smaller in size and did not leave enough space to meet the required 100 ft. setback. To reasonably place and design the home around this standard would have created a burden in itself. Furthermore, septic systems are required to maintain a 75ft. setback from the OHWL.

Variance Setback from Top of Bluff: *The property was platted and purchased by the Applicant's family prior to current standards. Again, because of the topography, limited size, and septic requirements the development elsewhere on the parcel becomes difficult.*

- Variance for Maximum Impervious Surface:** *Because the area has developed in an organic manner the wells for the surrounding properties were justifiably placed in a location that was advantageous for them. With that said septic systems must be at least 50 ft. away from a well. because of the wells to the south the septic is required to be on the northern side. This then leaves a limited area for the home which must also be 20 ft. from that system. Because the septic system must be located on the eastern side of the lot a longer driveway is required which helps push the property over the allowed 15%. The standard is met.*
- Variance from Minimum Septic Area:** *The expectation for this standard is impossible as the required size is more than the property itself. To that, the City does not permit, inspect, or perform compliant inspections.*

- **Variance from Minimum Septic Area:** *The expectation for this standard is impossible as the required size is more than the property itself. To that, the City does not permit, inspect, or perform compliant inspections.*



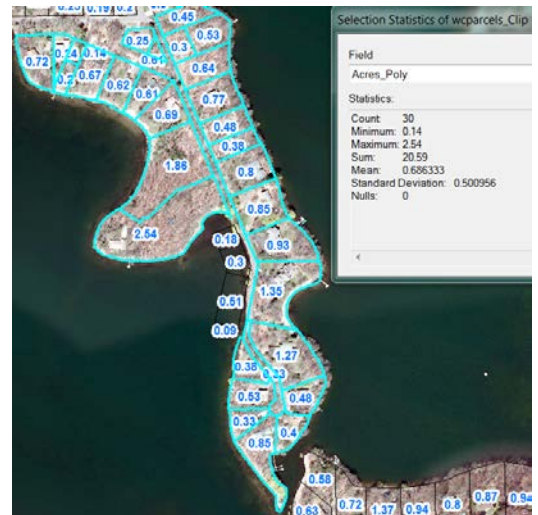
If the permitting authority has granted approval through their process, the expectation to maintain 20,000 sqft. would appear unnecessary. The standard is met.

- **Variance from Minimum Lot Size:** The property is below the 60% threshold for being considered as a buildable lot. However, the lots that were created with the original development were very small and over the years, though very minimally, have become more conforming than their original state. Concerns can be generated from not meeting setback requirements but the home does not conflict with the RS district setbacks and septic system has been permitted and is issued as being safe. Although the lot is small the home can be safely built. The standard is met.

3) Character of Locality. The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS:

- **Variance from Minimum Structure Setback from OHWL:** Some homes meet the setback from the HOWL but many neighboring homes do not meet the required setback. Using averaging the home it is only 1.5 ft. closer to the OHWL than what is allowed. It seems unreasonable to think a difference of 1.5 ft. could be sensibly noticed. For better or worse the setback is not unusual to the area. The standard is met.
- **Variance Setback from Top of Bluff:** The neighboring homes will have a geographically different situation on their lot but again, setback averaging would have been an option for the property and the home in its proposed location would not appear to be substantially different than the neighboring properties. The standard is met.
- **Variance from Impervious Surface:** The requested increase in impervious surface is also not unique to the area. Again, due to the sizes of the lots and shoreland requirements many properties exceed the impervious requirements. The standard is met.
- **Variance from Minimum Septic Area:** The size of the septic area will not visually alter the essential character of the locality. The standard is met.
- **Variance from Minimum Lot Size:** Very few lots affiliated with the Lanes Demontreville Country Club are capable of meeting the sizing requirement. Although not ideal to the code, lots that are smaller in size are more likely to fit in with the character. The standard is met.



4) Adjacent Properties and Traffic. The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

FINDINGS.

- **Variance from Minimum Structure Setback from OHWL:** The proposed location of the home will not impair an adequate supply of light or inhibit lake views of adjacent properties. The proposed home is a two bedroom home and therefore will not significantly increase congestion. The proposed home will not substantially diminish or impair property values within the neighborhood. The standard is met.
- **Variance Setback from Top of Bluff:** The location of the home on the bluff will not impair an adequate supply of light or inhibit lake views of adjacent properties. The proposed home is a two bedroom home and therefore will not significantly increase congestion. The proposed home will not substantially diminish or impair property values within the neighborhood. The standard is met.
- **Variance from Minimum Septic Area:** The size of the septic area will have no effect on the supply of light and air to adjacent properties, increase congestion, or diminish or impair property values within the neighborhood. The standard is met.

- **Variance from Minimum Lot Size:** *The size of a lot would not seem to have a direct impact on the supply of light or wind that a neighboring property would obtain. It is unknown how the size of the lot would have a financially negative impact on neighboring properties. The standard is met.*
- **Variance from Impervious Surface:** *A correlation between light and wind and impervious surface has not been established. Furthermore the requested amount of impervious surface would not seem to decrease neighboring properties. The standard is met.*

SUMMARY

The applicants are requesting several variance approvals to build a single family home on an existing lot of record. While the number of requested variances may appear large, this report outlines all the limiting factors affecting the construction of a house on this property. The applicant has worked closely with City Staff and Washington County to design a home, septic system and a driveway for this property that minimizes the proposed variances while meeting all other development standards. The proposed plans fit the character of the neighborhood while maximizing compliance with City, County, and State development standards.

RECOMMENDED CONDITIONS

1. That the Applicant obtain all applicable permits including but not limited to a City building permit including a grading, erosion control, and storm water management plan approved by the City Engineer.
2. The Applicant must reach out to the Valley Branch Watershed District regarding the project prior to grading or construction to confirm that a permit is not required for their requirements.
3. That the Applicant obtain a Washington County Subsurface Sewage Treatment System (SSTS) permit prior to issuance of a building permit.
4. Direct rain gutter discharges away from the lake or into a rain garden (infiltration basin designed to capture and infiltrate runoff) located on site.
5. The shoreline shall remain in a natural state and that no future development is allowed in the Shore Impact Zone on this property (no patio, water-oriented accessory structure, beach, fire pit, stairs, etc within 50 ft. from the OHWL).

FISCAL IMPACT:

The proposed variance is not expected to have fiscal impact to the City.

OPTIONS:

The Commission may:

- Recommend approval of the proposed variances, subject to recommended findings and conditions of approval.
- Amend recommended findings and conditions of approval and recommend approval of the variances, subject to amended findings and conditions of approval.
- Move to recommend denial of all variances, citing findings for denial.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of the requested variances:

“Move to recommend approval of the request from Tim and Lacey Mercil for variances to construct a new home on the property located at 8126 Hill Trail. The variances are for: Minimum Structure Setback Requirement from the OHWL; Minimum Structure Setback from the Top of Bluff; Minimum Impervious Surface, Minimum Septic Area, and Minimum Lot Size; and shall be subject to recommended conditions of approval as outlined in the Staff report.”

ATTACHMENTS:

- 1) Application and Survey
- 2) MN DNR Comments
- 3) Location Map
- 4) City Engineer Comments (Incorporated into the Report)
- 5) Septic Permit
- 6) Neighboring Comments

Land Use Application Information
8126 Hill Trail N Lake Elmo
Prepared by Tim & Lacey Mercil

RECEIVED
MAR 29 2019
CITY OF LAKE ELMO

a. A list of all current property owners

Mike & Ruth Schrantz – Current Owners/Sellers
Tim & Lacey Mercil - Buyers

b. Legal description of the property:

Lots 519, 520, 521, 522, 523, 616, 617, 618, 619 and 620 Part of vacated Beach lane, lane's Demontreville County Club Section 9, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota

Parcel ID: 09.029.21.22.0008
Parcel Size: .452 Acres / 19,712 sq. ft

c. State the provision(s) of the Lake Elmo City Code for which you seek a variance. *(For example, Section 300.07 Zoning Districts, Subd (4b3) – Minimum District Requirements)*

Build home on .452 acres rather than 1.5 acres
Build home with impervious surface area of:

House & Entry	= 1,360 / 6.9%
Driveway	= 2,076 / 10.5%
Retaining Walls	= 299 / 1.5%
Totals	= 3,735 s.f and/or 18.9%

d. A specific written description of the proposal and how it varies from the applicable provisions of Lake Elmo Code.

Request for construction of a single-family home with a foundation size of: 1,360 on a lot that is .452 acres - which is below the 20,000 s.f minimum lot size

e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.

Prior to submission of the application owners Ruth & Mike Schrantz & Tim Mercil met with Planning director: Ben Prchal on January 4th & March 22nd 2019 to gain guidance on the variant procedure to initiate a new build on the property.

f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.

Need to purchase land from current owners. Purchase is contingent on getting a variance. All adjacent lots already have homes so no adjacent vacant land

g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.

The lot will not be marketable if a house cannot be built on it.

h. Justify that the granting of the variance would not alter the essential character of the neighborhood.

Granting the variance would not alter the essential character of the neighborhood as one adjacent house (8130 Hill Trail N) is on .38 acres while the other adjacent house (8120 Hill Trail N) is on .76 acres. The subject lot of .452 acres is comparable in size to all other homes in the immediate area. A new septic of more current design would probably exceed the performance of the older neighboring systems.

NOTE

This survey used the found monuments as shown and also information from a previous boundary and topography survey for John J. Flanagan and Steve Grabski by Lake Elmo Land Surveyors Inc. and signed by me, Joel T. Anez, on July 7, 1983.

AREA ABOVE O. H. W.

0.452 acres±
(19,712 sq. ft.)

PROPOSED HARDCOVER CALCULATIONS	
House and Entry	1381 S.F.
Hard surfaces	2403 S.F.
Walls and steps	267 S.F.
Total	4051 S.F.
	(20.5% COVERAGE)

CERTIFICATE OF SURVEY

LOTS 519, 520, 521, 522, 523, 616, 617, 618, 619, AND 620,
PART OF VACATED BEACH LANE,
LANE'S DEMONTREVILLE COUNTRY CLUB,
SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST,
CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA

THE HOUSE ON THIS ADJOINING
PARCEL IS 85 FEET FROM THE
O.H.W. LINE AND APPROXIMATELY
85 FEET FROM THIS LINE.

Found a 1/2 inch iron pipe
marked with a plastic cap
inscribed ANEZ RLS 13775
Set by me Joel T. Anez
in a survey dated 7-7-83

BOUNDARY, SITE PLAN,
and
TOPOGRAPHY SURVEY

SURVEY PREPARED FOR :
TIMOTHY C. MERCIL

3246 Twin Lakes Road
Little Canada, MN 55127

SITE ADDRESS
8126 Hill Trail North
Lake Elmo, Mn 55042

PID OF SURVEYED PARCEL: 09.029.21.22.0008

LAKE NOTES

Ordinary High Water elevation is 929.3 feet.
100 year flood elevation is 931.0 feet
RECREATION DEVELOPMENT LAKE
MN Protected Waters 82-101
Water surface elevation on 10-15-2018
was 929.2 feet
Datum is NGVD 1929 (feet)

LEGEND

- Orientation of the bearing system is based on the southwest line of Lot 519 having a bearing of N23°57'21"W.
- Distances are in feet and decimals of a foot.
- Elevations are based on National Geodetic Vertical Datum 1929 adjustment.
- Contours are at one foot intervals.
- Denotes a 1/2 inch inside diameter iron pipe monument set, marked by a plastic cap inscribed ANEZ LS 13775.
 - Denotes a found monument, described as shown.
 - (plat) Denotes the dimension on the recorded plat of LANE'S DEMONTREVILLE COUNTRY CLUB.
 - OHW Denotes ordinary high water
 - Q Denotes utility pole
 - X 975.7 Denotes existing spot elevation.
 - X 952.5 Denotes proposed elevation.
 - B2 Denotes location of soil boring.
 - P2 Denotes location of percolation hole.
 - Denotes proposed contour.
 - Denotes proposed 48 inch high maximum retaining wall, unless otherwise noted.
 - Denotes proposed silt fence.
 - Denotes 20 foot wide bluff impact zone.
 - Denotes proposed hard surface.

Warranty Deed, Document No. 3438678

Lots 519, 520, 521, 522, 523, 616, 617, 618, 619 and 620, together with that part of the vacated Demontreville Beach lying adjacent thereto and above the high water mark, all in Lane's Demontreville Country Club, Washington County, MN.

REVISED:

July 29, 2019 added 12 by 20 foot permeable paver patio to drawing.

Official copies of this map are crimp sealed.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying Inc.

Joel T. Anez
Joel T. Anez Minnesota License No. 13775

July 11, 2019
Date

Job Number 2018-53

SURVEY PREPARED BY:

Landmark Surveying, Inc.

21070 Olinda Trail North - P.O. Box 65
Scandia, Minnesota 55073

Office number: 651-433-3421

E-mail address: inthefield@frontier.net

4/17/2019

Ben Prchal
City Planner
3880 Laverne Avenue North
Lake Elmo, MN 55042

RE: Shoreland Variance Requests at 8126 Hill Trail North, Lake Elmo (Lake DeMontreville - 82010100)

Ben –

The primary goal of limiting impervious surfaces within shoreland districts is to reduce the amount of runoff directed into Minnesota waters. Runoff from impervious surfaces travels over the land and carries pollutants such as nutrients, sediment, bacteria, pesticides, heavy metals, and organic wastes. Studies have consistently shown a strong, direct connection between the percentage of impervious surface in a watershed and water quality degradation. As impervious surface area expands, so does the volume of runoff, phosphorus, and sediment entering waters, causing nuisance algae blooms, reducing public enjoyment, and harming aquatic plants and animals.

This project would increase impervious surface to 18.9%, where the maximum impervious surface allowed for unsewered lots is 15% under the City's shoreland ordinance. Please use the attached MNDNR guidance on variances to maximum impervious surface in shoreland districts when evaluating this variance request against statutory criteria and developing a findings of fact. If findings support granting the variance, impacts to Lake DeMontreville should be considered in developing appropriate conditions to mitigate those impacts.

If a variance is granted for this project, MNDNR recommends that the City of Lake Elmo include conditions on the variance that mitigate for an increase in percent impervious surface. Examples of appropriate mitigation conditions include:

- Modify existing construction design (to minimize variance to percent impervious and other requested variances).
- Direct rain gutter discharges into a rain garden (infiltration basin designed to capture and infiltrate runoff).
- Include a condition that requires that the shoreline remain in a natural state and that no future development is allowed in the Shore Impact Zone on this property (no patio, water-oriented accessory structure, beach, fire pit, stairs, etc).

Thank you for the opportunity to comment on this variance request.

Sincerely,



Jenifer Sorensen
MNDNR
East Metro Area Hydrologist
1200 Warner Road
St. Paul, MN 55106
651-259-5754 | jenifer.sorensen@state.mn.us

Shoreland & Floodplain Variance Guidance Series

Impervious Surfaces

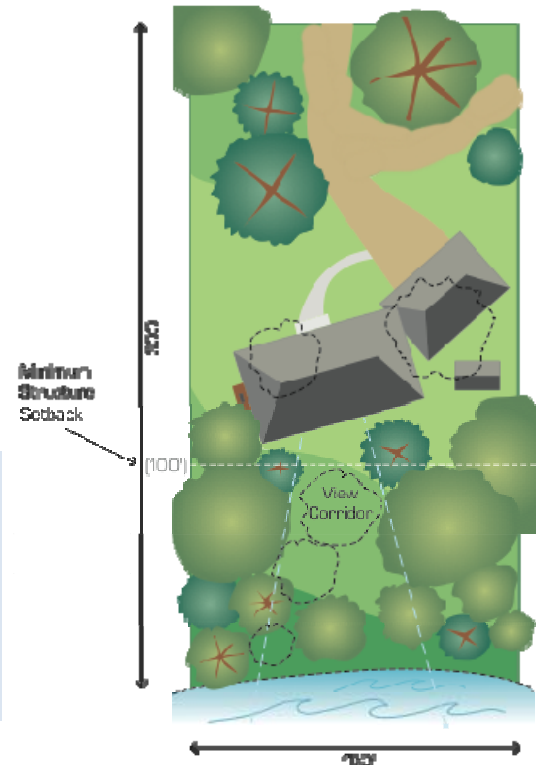
This is one of a series of examples developed as guidance for considering variance requests along lakes and rivers. Consult your local shoreland and floodplain ordinances.

Why are impervious surface coverage limits important?

In the protection of water quality, the management of rainwater on individual lots is one of our most important tasks. Rainwater that does not infiltrate into the ground or evaporate runs downhill to lakes, wetlands, or rivers. As impervious surface coverage increases, the rate and amount of runoff and pollutants entering public waters increases. When runoff from impervious surface coverage is not addressed, pollution increases and the diversity of aquatic life is reduced. Local governments have limited discretion to deviate from - or grant a variance to - impervious surface limits. They may do so only if *all* of the variance criteria established in state statutes and their local ordinances are met. In evaluating such requests, local governments must examine the facts, determine whether all statutory and local criteria are satisfied, and develop findings to support the decision. If granted, local governments may impose conditions to protect resources. An example impervious surface variance request, with considerations, is provided below.

Example Impervious Surface Variance Request

A property owner wishes to build a large lakehome on a conforming lot. The lake lot includes a private driveway with a spur to the neighbor's lot, which was placed to avoid an adjacent wetland. The building plans for the new construction plus the existing private road spur to the neighbor's property would exceed the impervious surface limit provision in the local ordinance.



Considerations for Findings

A good record and findings help keep communities out of lawsuits and help them prevail if they find themselves in one. In evaluating the facts and developing findings for this variance request, *all* of the following statutory criteria must be satisfied, in addition to any local criteria:

- Is the variance in harmony with the purposes and intent of the ordinance?**

Considering a variance request is a balancing test that requires weighing the need of an individual property owner against the purposes of the shoreland regulations for protecting the public interest. These purposes are derived from Minnesota Shoreland Rules, which established impervious surface caps to prevent excessive runoff from constructed surfaces. Such excessive runoff causes erosion, transport of pollutants to public waters thereby degrading water quality. **Considerations:** *Will deviating from the required limit on this property undermine the purposes and intent of the ordinance? Why or why not? Is it possible to mitigate the consequences of additional impervious surface on-site such that additional runoff will not be produced? Would this mitigation be in harmony with the purposes and intent of the ordinance? Why or why not?*
- Is the variance consistent with the comprehensive plan?**

The local comprehensive plan establishes a framework for achieving a community's vision for the future. Most plans contain goals and policies for protecting natural resources and shorelands, as well as maps that identify areas of high risk or with high ecological value where development should be avoided. The variance request must be considered with these goals and policies in mind. Maps should be consulted to determine if the property is within any areas identified for protection. **Considerations:** *Which goals and policies apply? Is allowing additional impervious surface and runoff consistent with these goals and policies? Why or why not?*

- **Are there *unique circumstances* to the property not created by the landowner?**

Unique circumstances relate to physical characteristics of the land - such as lot dimensions, steep slopes, poor soils, wetlands, and trees. These *do not* include physical limitations or personal circumstances created by the property owner that prevent compliance with the impervious surface provision, such as size of home or design preferences. Consider what distinguishes this property from other shoreland properties to justify why the applicant should be able to deviate from the provision when others must comply. **Considerations:** *What physical characteristics are unique to this property that prevent compliance with the requirement? Were any difficulties in meeting the impervious surface limit created by some action of the applicant? Has the applicant demonstrated no other feasible alternatives exist that would not require a variance, such as increasing the setback to reduce driveway length or reducing the lakehome's footprint?*

- **Will the variance, if granted, alter the essential character of the locality?**

Consider the size of the proposed structure, the extent of encroachment, and how it relates to the shoreline and hydrology of the riparian area. A large addition located close to the shoreline can detract from the natural appearance and character of the lake and its riparian areas and degrade water quality by altering topography, drainage, and vegetation in the riparian area, negatively affecting recreational, natural, and economic values. **Considerations:** *Does the variance provide minimal relief or a substantial deviation from the required setback? Does it affect the natural appearance of the shore from the lake? Does it affect the hydrology of the riparian area?*

- **Does the proposal put property to use in a reasonable manner?**

Examine the reasons that the variance is requested and evaluate them in light of the purposes of the local shoreland ordinance and the public water resource at stake. Since the impervious surface cap is generally intended to reduce runoff to public waters, it may not be appropriate to allow large areas of constructed surfaces so close to the water. **Considerations:** *Has the applicant demonstrated that the proposed construction is reasonable in this location given the sensitive nature of the area and the purposes of the regulations? Why or why not?*

Note: *The last three criteria address practical difficulties. Economic considerations alone cannot create practical difficulties*

Range of Outcomes

Based on the findings, several outcomes can occur:

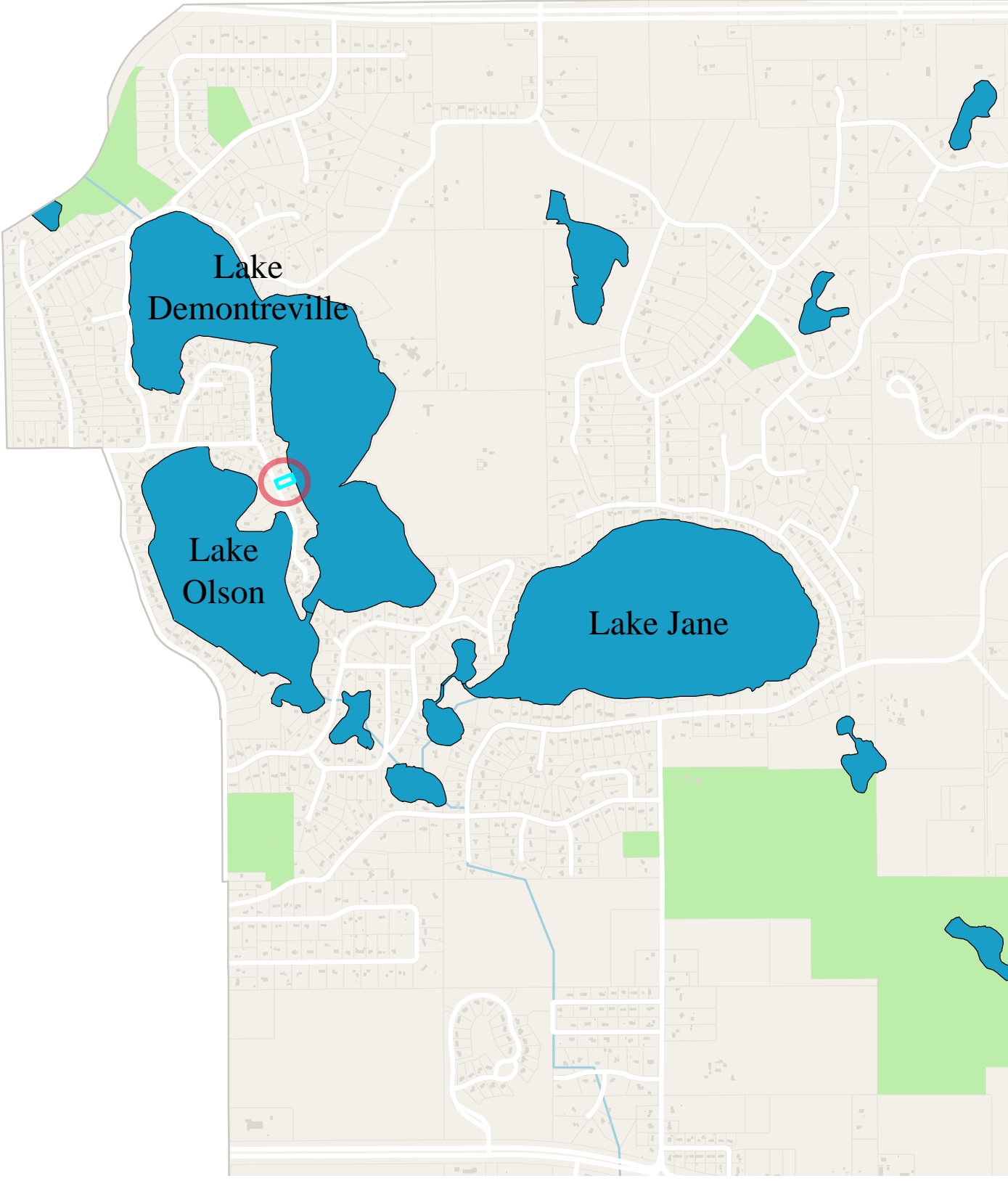
- If the applicant fails to prove that *all* criteria above are met, then the variance must be denied. For example, the local government could find that the building plans itself created the circumstances necessary for a variance rather than the any unique physical characteristics of the property.
- If the applicant demonstrates that *all* criteria are met, then the variance may be granted. For example, the local government could find that the construction footprint is reasonable, the circumstances are unique given the adjacent wetland, and the minor deviation in the impervious surface coverage does not alter the hydrology of the area (as determined through runoff calculations).
- If the variance is granted and the impervious surface in any way alters the hydrology of the area, then conditions may be imposed, such as to increase the structure setback from the lake by 15 feet to reduce the extent of the driveway and minimize the amount of impervious surface coverage over the limit.

Conditions on Variances

If findings support granting the variance, consideration must be given to the impacts on the public water and the riparian area and appropriate conditions to mitigate them. Conditions must be directly related and roughly proportional to the impacts created by the variance. Several examples are provided below:

- Modify construction designs (to minimize impact);
- Use permeable pavement systems for walkways, driveways, or parking areas (to reduce effective impervious surface area and infiltrate runoff);
- Direct rain gutter discharges away from the public waters and into infiltration basins (to reduce connected impervious coverage to allow additional areas for infiltration);
- Preserve and restore shoreline vegetation in a natural state (to intercept and filter runoff coming from structures and driveways); and/or
- Increase setbacks from the ordinary high water level (to provide infiltration near public waters).

More information at: www.dnr.state.mn.us/waters/watermgmt_section/shoreland/variances.html



Lake
Demontreville

Lake
Olson

Lake Jane

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

14949 62nd Street North P.O. Box 6

Stillwater, MN 55082-0006

Office: 651-430-6655 TTY: 651-430-6246 Fax: 651-430-6730

Community	<u>City Of Lake Elmo</u>
Permit Number	<u>2019-1243</u>
Owner	<u>Schranz Michael G & Ruth G</u>
Owner Address	<u>5831 Hytrail Ave , Lake Elmo Mn 55042</u>
Applicant	<u>Timothy Mercil</u>

PERMISSION IS HEREBY GRANTED

To execute the work specified in this permit on the following identified property upon express condition that said persons and their agents, and employees shall conform in all respects to the provisions of Ordinance #206, Washington county Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations. This permit may be revoked at any time upon violation of any of the provisions of said ordinance.

Project Address	<u></u>
Geo Code	<u>0902921220008</u>
Designer	<u>David R. Brown</u>

Type of System: New Installation Mound

Design Criteria Percolation Rate: 40.00 MPI Depth to Restriction: 14 Inches Land Slope 9.00 % Flow Rate: 450.00 GPD	Mound Sizing Rock Bed Width: 10.00 Feet Rock bed Length: 45.00 Feet Absorption Width: 24.00 Feet Depth of Clean Sand: 1.80 Feet Downslope Dike Width: 20.50 Feet Upslope Dike: 9.60 Feet Length of Dike: 74.90 Feet	Pressure Distribution Number of Laterals: 3 Perforation Spacing: 3.0 Feet Perforation Diameter: 7/32 Inch Lateral Diameter: 1-1/2 Inches Total Dynamic Head: 15 Feet Pump 1: 26 GPM
Tank Sizes Tank 1: 1000 Gallons Tank 2: 1000 Gallons Pump Tank 1: 1000 Gallons		

Authorized Work/Special Conditions

The granting of this permit does not alleviate the applicant from obtaining any other Federal, State, or local permits required by law for this project.

Back-up area for second future on-site system must be protected from all traffic., Building sewer can be no closer than 20 feet from well and must be pressure tested Schedule 40 within 50 feet., Call at least 24 hours before the time you need an inspection., Domestic strength waste only. Industrial waste and hazardous wastes cannot enter the septic system., Effluent Filter & Alarm Required on outlet of last tank in series, Establish a vegetative cover over the soil treatment area within 30 days of the installation. Protect the soil treatment area from erosion until the vegetative cover is established., Install a meter to monitor wastewater flow., Installer must verify head and elevation so the proper pump size is used., Install individual sewage treatment system as per approved design in area tested and shown on the site plan., Install only when soil is below the plastic limit (dry soil conditions)., Insulate tank lids to a value of R-10 if tanks are 2 feet or less from the surface., Pressurized laterals can be no further apart than 36 inches and require accessible cleanouts at the end of each lateral., Rope off and protect tested area from all vehicle traffic., This system must be installed by a certified/licensed sewage treatment system installer holding a current license with the Minnesota Pollution Control Agency. , Use of tanks registered with the Minnesota Pollution Control Agency required.

Required Inspections: Final, Rough-Up, Soil Treatment Area, Tank Inspection

Permit Issuance Date: 08/06/2019

Permit Expiration Date: 08/05/2020

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e21d10750ee723ce86cff7cdfd1b0775

Joe Sanders 08/06/2019 - Issued

Tanya Nuss

From: Gayle Dworak <gayledworak@gmail.com>
Sent: Wednesday, August 21, 2019 2:54 PM
To: Ben Prchal
Subject: Variance Request

Caution: This email originated outside our organization; please use caution.

Hi Ben,

Dean and I just received the variance request for a new build on the vacant property between 8120 and 8130 Hill Tr. N.

We will be out of the country vacationing on Sept, 9th, but we would like to give our support to both the sellers and the buyers on this variance request.

Dean and I went through a similar process in purchasing our lot. It was not an easy process for us, and we know that it has not been an easy process for this transaction either. We were most fortunate to have the support of the present Mayor and the majority of City Council members.

We are extremely grateful that we persevered as we are very happy with our home, living on Lake Demontreville, and with the many wonderful neighbors on our street.

We offer our full support for this variance request and would heartily welcome our new neighbors.

Warmest Regards,

Gayle and Dean Dworak

8114 Hill Tr. N

Lake Elmo , Mn 56042

Sent from my iPad



STAFF REPORT

DATE: 09/09/19

PUBLIC HEARING

ITEM #: 4B

TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Planned Unit Development Concept Plan Review for Applewood Senior Housing – Eagle Pointe Business Park**
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City has received a request from United Properties for a review of a Planned Unit Development (PUD) Concept Plan for a 100-unit senior housing development on an 11.7-acre parcel on the corner of Hudson Boulevard and Eagle Pointe Boulevard. This request also would involve amending an existing PUD and a Comprehensive Plan amendment from BP (business park) to HDR (high density residential) for the site.

ISSUE BEFORE COMMISSION:

The Planning Commission is being asked to hold a public hearing, review the concept plan, provide feedback and make a recommendation to the City Council on the above-mentioned requests.

PROPOSAL DETAILS/ANALYSIS:

General Information.

- *Property Owner:* United Properties, Minneapolis, Minnesota
- *Applicant:* United Properties (Jennifer Mason)
- *Location:* Outlot C, Eagle Point Business Park Second Addition PID Number 33.029.21.44.0009
- *Requests:* Planned Unit Development Revision and Concept Plan Review
- *Existing Land Use:* Platted but vacant parcel within Eagle Point Business Park
- *Site Area:* 11.7 acres
- *Existing Zoning:* BP – Business Park
- *Surrounding Land Use:* Business Park Office Buildings, High Pointe Medical Center
- *Surrounding Zoning:* BP – Business Park
- *Comprehensive Plan:* Existing: Business Park Proposed: High Density Residential (HDR)
- *Proposed Zoning:* HDR (Urban High Density Residential)
- *History:* The preliminary development plans for the Eagle Point Business Park were approved in 1999 by the City of Lake Elmo. The 7th Addition was platted in 2006 which allowed for the development of two lots near the intersection of Eagle Point Boulevard and Inwood Avenue and created a larger outlot on which Intermediate School District 916 had proposed to build a new school facility.

- *Deadline for Action:* Application Complete – 8/05/2019
- 60 Day Deadline – 10/04/2019
- Extension Letter Mailed – No
- 120 Day Deadline – 10/5/14
- *Applicable Regulations:* 154.051 – BP Business Park Zoning District
- 154.800 – Planned Unit Development (PUD) Regulations
- City of Lake Elmo Design Standards Manual

BACKGROUND

The Eagle Point Business Park was initially conceived as part of the City's 1992 Comprehensive Plan update in 1992, and the official Business Park zoning for this area was adopted in 1997. Over the next three years, United Properties submitted applications for a general concept plan for a business park, a general development stage plan, and a final plat and final plans for what is now called the Eagle Point Business Park. Overall, the business park occupies approximately 120 acres in the extreme southwestern portion of Lake Elmo both north and south of Hudson Boulevard. Since approving the overall plans for the park, the City has been reviewing final development plans for each of the buildings/phases that have been constructed since then.

Reason for PUD Amendment/PUD History

Eagle Point Business Park was approved as a Planned Unit Development (PUD) in the early 2000's, and the City approved a concept plan and preliminary development plan for the entire site at that time. This approval included the adoption of development standards and regulations for the entire park, and all subsequent building is expected to conform to these standards. In terms of new building requests, the City has been requiring applicants to submit an updated preliminary plat and preliminary plans for each site, which is then followed by consideration of a final plat and plans. Since this lot is now platted as an outlot it will need City approval of a preliminary and final plat before construction may start. All the public roads, easements, utilities, and other infrastructure necessary to serve the site have been installed.

In this case, however, the applicant is asking for City approval of a land use that the City has not approved the Eagle Point PUD – senior housing. This requires city-approval of a PUD amendment and to start the process, the applicant has submitted a request for concept approval before proceeding with the development of more detailed project plans or with a Comprehensive Plan amendment application.

A more detailed description of the proposed use, including a site development summary, has been provided by the applicant and is included as an attachment to this report. The primary use of the site (on the corner of Hudson Boulevard and Eagle Point Boulevard) would be a 4-story, 100-unit senior cooperative building (with underground parking for 100 vehicles). The units would range in size from about 1,300 to 1,800 square feet and would for sale as part of the cooperative. The building would be located in the center of the site wrapping around the existing wetland and on the northern portion of the site near Eagle Point Boulevard. The plans show two driveways connecting to Eagle Point Boulevard with 72 surface parking spaces and access driveways wrapping around 3 sides of the building. The concept plan includes a total of 172 parking spaces.

The attached plans provided by the applicant include a site map/aerial photo, a site survey, an existing conditions/wetlands map, a site survey analysis and a concept site plan. Because the public and private infrastructure necessary to serve the proposed building is already in place, the project will not include the

construction of any new public utilities on or off of the site. All required utilities are already stubbed to the site, and all utilities, including the proposed storm water management facilities, will be private.

CONCEPT PUD PLAN REVIEW

PUD Review Process. The City Code for PUD's requires several steps in the project review and approval process. Section 154.758 of the City Code (below) provides all the details about the review process and steps. As noted subsection in E2, the Planning Commission is to hold a public hearing about the concept plan and report its findings and recommendations to the City Council.

§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.

- A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.
- B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.
- C. *Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.
- D. *Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.
- E. *Schedule for Plan Approval*
 1. Developer presents the general concept plan to the Planning Commission for their review and comment.
 2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
 3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
 4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
 5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may

proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.

6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

Concept Plan Review: The Staff review comments that follow are all based on conducting a high level review of the Concept Plan since the City does not require a lot of detailed information at this stage in the PUD review process. Staff has focused on the bigger picture items for general compliance with the Comprehensive Plan and the City Code and on those things that could be a concern or would otherwise not allow the development to move forward as proposed.

Site Plan. The concept site plan includes one 4-story building with 100 residential units, 100 below grade parking spaces and 72 on-grade (surface) parking spaces. This plan also shows areas for community gardens, bocce ball, a deck over-looking the wetland and a gazebo for the residents of the building.

Site Character. The site is rolling with an elevation change of about 36 feet across the site – from an elevation of 962 near the sanitary sewer lift station along Hudson Boulevard to a high point of 998 in the north center of the site. There is a small wetland (0.15 acre) near Eagle Pointe Boulevard and a larger wetland (1.36 acres) that the eastern property line of the site runs through. There are areas of trees on the slope facing Hudson Boulevard and around the edges of the larger wetland.

Vehicular Access. The proposed concept plan shows two access driveways into the site from Eagle Pointe Boulevard. The spacing of the proposed driveways in relation to the existing driveway to the north of site do not meet City standards. The City Engineer's review memo (attached) provides more details about streets, driveways and access for this site.

Trails and Pedestrian Access. There are currently no trails or sidewalks adjacent to this site. The City's long-term plan for Hudson Boulevard is to have an 8-foot-wide trail along the north side of street from Inwood Avenue to Manning Avenue. It has been the practice of the City to have developers install the segments of this trail along their respective project sites as part of the development of their projects. In this case, that would be about 1000 feet of trail along Hudson Boulevard running from Eagle Pointe Boulevard past the City's sanitary sewer lift station to the existing driveway serving the High Pointe Health Campus.

There also may be a need to have the developer install a 6-foot-wide sidewalk along Eagle Pointe Blvd to provide an off-street pedestrian access to the trail along Hudson Boulevard serve the new senior housing.

Setbacks. The concept site plan shows a site setback line around the perimeter of the property. The proposed location of the building should meet or exceed all City-required setbacks from the street rights-of-ways and the wetlands. The City will need to verify that the proposed parking spaces near Eagle Pointe Boulevard will meet the required setback of 10 feet from the street right-of-way.

Building Height. The concept plans submitted by the applicant do not show the building exterior or height. However, a four-story building typically is no taller than 50 feet. In this location, with no other residential buildings nearby, the 4 story building would fit the character of the area and should not cause any negative affects to adjacent properties.

Storm Water and Erosion Control. The grading, drainage, and erosion control plans will need to conform to City of Lake Elmo and South Washington Watershed District (SWWD) requirements. A SWWD district permit also will be required. In order to comply with the City's standards, the developer may need to include storm water infiltration area on the site plan that will be connected to the larger storm water system previously installed within the business park. These infiltration facilities are intended to be privately owned and managed, and therefore will not need to meet the same level of requirements for public systems. The City Engineer is recommending that the applicant enter into a maintenance

agreement for these facilities to ensure that future property owners keep these infiltration areas functioning properly.

Park Land Dedication. The City established an overall fee in lieu of land dedication for the business park at the time of general concept plan approval and in conjunction with the final plat for the initial construction phase within the park. It appears that a portion of this fee is being paid with each building permit that is issued within the Eagle Point Business Park, and that this fee is proportional to the area being platted/developed.

The Parks Commission will need to review the proposed development to make a recommendation about park dedication requirements. The proposed development does not propose a public park but does provide recreation for its residents through the gardens, play areas and open space. The proposed development consists of 11.7 acres, and the required parkland dedication for the Business Park zoning district is 10%. The required amount of fees would be 10% of the purchase price or current market value of the property, which has yet to be determined.

Proposed Design. The proposed design of the development is a 4-story, 100-unit senior cooperative building with a mix of two bedroom units with sunrooms or dens with below grade parking for 100 vehicles. The applicant has not yet provided the City elevations of the building, but staff expects it to have an exterior with a mix of brick, stone, cementitious siding (Hardi-plank) and stucco with a sloping asphalt shingle roof. The building design will need to meet the Lake Elmo Design Guidelines and Standards for materials and colors.

Proposed Uses. The applicant's project information dated July 31, 2019 indicates they would be including several elements and features in the common spaces of the building for use by the residents. These include a club room, community gardens, craft studio, conference room, fitness center, library and a great room. Staff is not aware if the building will have an office for management.

Parking. The City's Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom unit and at least one visitor space per four units. With the proposed mix of 100 units, the City Zoning Code requires the developer to provide at least 225 parking spaces on site (2 per unit (200 total) and 25 visitor parking spaces). In this case, the developer is proposing a total of 172 parking spaces – including 100 parking spaces in the proposed building and 72 surface parking spaces spread throughout the site.

If the applicant wants to move forward with development plans that have fewer parking spaces on site than the code requires, they should request City approval of a parking reduction as part of their preliminary PUD application. With such a request, the applicant would need to demonstrate to the City the amount of proposed parking would be adequate for the number of residents, staff and visitors.

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 driveways on the site, according to the Zoning Code.

Engineering Comments. The City Engineer has provided a detailed review memo (dated September 3, 2019) regarding the proposed General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
 - The applicant should complete a traffic impact study and submit it with the preliminary PUD/preliminary plat application to review the traffic impacts that this development would place on the local roadways (including the possible needs for turn lanes and additional right-of-way) and to determine the better and safer access to this site. (See next note).
 - The site plan must be revised to show revised driveway access to this property that meets City spacing guidelines. This usually means that new driveways are at least 300 feet from existing driveways. If the applicant could share the existing driveway to the

- business condominiums, that would be preferable than having 2 new driveways onto Eagle Pointe Boulevard.
 - No parking and construction staging, including the loading and unloading of materials and equipment will be allowed at any time on Hudson Boulevard or on Eagle Pointe Boulevard during the construction of the site improvements and building.
 - The City should require the applicant/developer to make improvements to Hudson Boulevard in accordance with the Hudson Boulevard design Standards. This includes having an Urban section (with curb and gutter and storm sewer) and installing an 8-foot-wide bituminous trail along the length of the property.
- *Municipal Sanitary Sewer*
 - Sanitary sewer is available to the site. The applicant or developer will be responsible for connecting to the City sanitary sewer system and extending sanitary sewer in to the property at the applicant's sole cost.
 - The applicant will be required to connect to the existing sanitary sewer along Hudson Boulevard, connecting to an existing 8-inch sanitary sewer pipe extending northwest from the existing I-94 lift station.
 - Any sanitary sewer main lines placed in the development will require minimum 30-foot-wide easements centered over the pipe (or wider depending on the depth of the pipe) that are dedicated to the City and in the form of the City's Utility Easement Agreement.
- *Municipal Water Supply*
 - The existing City water system is available to this site. The applicant will be required to extend municipal water into the development at its sole cost and will be required to construct a looped watermain network internal to the site with, at least a second connection point to the City watermain system.
 - The existing water system will need to be reviewed to determine if there is sufficient capacity for the proposed high-density residential development without additional improvements to the water system. During this planning the applicant must provide the City domestic and fire suppression demand information for the facility so staff may verify the capacity and needs of the water system.
 - The applicant will be responsible to place fire hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
 - Any watermain lines and fire hydrants placed within the development will require 30-foot-wide utility easements centered over the pipe. These easements must be dedicated to the City and provided in the City's standard form of easement agreement.
- *Stormwater Management*
 - The concept plan does not address storm water management. The proposed development is subject the construction of a storm water management plan and system that meets State, South Washington Watershed District (SWWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and South Washington Watershed District (VBWD) requirements.
 - Permitting requirement will require rate control from all points of discharge from the site and will require volume control (or infiltration. Overland emergency overflows or outlets are required as part of the site plan for flood protection. The site plan will likely require the installation of additional storm water ponding or infiltration to satisfy all storm water regulations.
 - All stormwater facilities constructed for this development are to remain privately owned and maintained. The city will require the applicant or developer to execute and record of a Stormwater Maintenance and Easement Agreement with the City in its standard form.
 - 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.

Tree Removal and Preservation. The applicant has not yet submitted a proposed tree and landscaping plan for this site. As shown on the aerial photos and on site map, there are two areas on the property that may have significant large trees – on the slope along Hudson Boulevard and around the larger wetland. The City will require the applicant to provide a complete tree inventory and tree preservation/replanting and landscaping plans as part of any site development applications going forward. 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.

Landscaping/Screening: As noted above, there appears to be two areas on the property with possibly significant large trees on the site. As shown on the Concept site plan, the developer/architect has designed the project to preserve as many of the existing trees on the property 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 does not apply for the proposal as the surrounding land uses are commercial and not residential.

The applicant has not yet provided the City with any details about landscaping for the site (nor are they required to at this point of the review). The City will require the applicant to submit detailed landscape plans with their preliminary PUD application and those plans will need to meet or exceed the City’s Landscape Requirements for the replanting of trees and for screening.

The landscape ordinance requirements are as follows:

1 tree per 50 lineal feet of street frontage, plus
5 trees for every 1 acre of development.
The required trees must be 25% deciduous, and 25% coniferous.

Landscape requirements for the site are as follows:

1,640 lin. Ft. of street frontage/50 = 33 trees + 11.7 acres x 5 = 59 trees = for a total of 92 trees plus those required for tree replacement

All tree removal, screening and landscape plans will subject to review by the City’s Landscape Architect.

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

The following comments are very high level at this time as this is a concept review. More specific, detailed comments will be provided as necessary as this project progresses.

- Ensure proper access to building, and second apparatus access road, per 2015 MN State Fire Code, more specifically, Section 503, FIRE APPARATUS ACCESS ROADS, Section 504 ACCESS TO BUILDING OPENINGS AND ROOFS. The City of Lake Elmo has adopted Appendix D, FIRE APPARATUS ACCESS ROADS. With the proposed 4 story building height, Section D105 may be applicable.
- Ensure proper access throughout site and turning radius’s per review of City Engineer.
- FIRE LANES and NO PARKING areas to be reviewed and determined by the Fire Chief and City Engineer.
- Fire hydrant placement will be reviewed by the Fire Chief, City Engineer and Public Works Director.
- FDC location to be approved by Fire Chief.

- Lockbox location to be approved by Fire Chief
- Provide final layout drawing of building to fire department for the purpose of Pre-Planning.
- Project will be subject to all additional applicable fire codes in the 2015 MN State Fire Code.

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

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

Consistency with the Comprehensive Plan. The 2040 Comprehensive Plan has designated this site Business Park (BP) in the land use plan. The Comprehensive Plan identifies BP as “providing for a wide variety of professional businesses such as medical and research facilities, offices and corporate headquarters. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services for employees of the permitted business use. This land use designation excludes any residential use.”

For this development to proceed, the City would need to approve a Comprehensive Plan amendment for the site to change the land use designation from BP to HDR (high density residential). The HDR land use is for higher density residential development ranging from 8 to 15 units per acre. As an 11 acre property, this site could have up to 165 units – they are proposing 100 units (about 9 units per acre).

The City's 2040 Comprehensive Plan is now under review at the Metropolitan Council. City staff is expecting the Met Council to complete their review and approval process by the end of October. Staff would not recommend proposing an amendment to the 2040 Comprehensive Plan until after the Met Council has given it final approval later this year.

Before submitting a Comprehensive Plan Amendment request to the Met Council for approval, a City must first submit the amendment for review by the Planning Commission, obtain local governing body (City Council) authorization for the amendment to be submitted to the Met Council for review, and give adjacent governmental units, affected special districts and affected school districts an opportunity to review the proposed amendment. Once they receive a Comprehensive Plan Amendment request, the Met Council has 15 days to determine if a Comprehensive Plan Amendment is complete for review and 60 days to approve or deny the request. They also may extend the review period for an additional 60 days if needed and beyond 120 days if agreed to by the local government. The City will require the applicant to wait to submit a Comprehensive Plan Amendment request and the final plat and PUD plans for this project until after the City has given the 2040 Comprehensive Plan final approval.

The decision to change or amend the Comprehensive Plan is a policy matter for the Planning Commission to make a recommendation on to the City Council. Any change to the Comprehensive Plan should be based on findings and criteria to show that the change would be consistent with the goals and policies of the City. Such criteria may include that proposed Comprehensive Plan amendment would be consistent with the spirit and intent of the Comprehensive Plan and would be beneficial by providing a location for a housing option not currently available in the City.

As a condition of approval of the proposed Comprehensive Plan Amendment, the City should require the submission of the necessary Comprehensive Plan Amendment to the Metropolitan Council and the City receiving formal notification from the Metropolitan Council that they have completed their review and that they have approved the proposed plan amendment.

Consistency with High Density Residential (HDR) Zoning District.

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

Standard	Required	Proposed
Impervious Surface Maximum	75%	40% (estimated)
Minimum Lot Width	60 feet	638 feet on Eagle Pointe Blvd.
Front Yard Setback	20 feet	50 feet (estimated)
Interior Side Yard	15 feet	100 feet (estimated)
Corner Side Yard	10 feet	100 feet (estimated)
Rear Yard Setback	20 feet	100 feet (estimated)
Maximum Building Height	45 feet (by PUD)	40-45 feet (estimated)
Parking	Not to be located in the front yard or between the front façade and public street.	Parking is located in front of and around the proposed building, though much of the parking lot would be screened from the street by grades and landscaping
Open space	200 square feet of common open space provided per unit. In this case, at least 20,000 square feet of common open space for the 100 proposed units.	It appears there is at least 300,000 square feet of open space provided on site with the community garden areas, bocce ball and the open spaces along Hudson Boulevard and around the existing wetlands.

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 structure are located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right-of-way.
- The building is located as close to the public street as possible, easily accessible from the street; setbacks are varied slightly; recreational and common spaces are located at the interior or rear of the site.
- Streetscapes provide for pedestrian accessibility and safety while offering aesthetically pleasing environments. With this proposed development, the City may want to require the developer to install a trail along Hudson Boulevard and a sidewalk along Eagle Pointe Boulevard to meet this City design standard.
- 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 approval that the applicant include a detailed architectural plan proposal for the development.

Consistency with Planned Unit Development Regulations. The applicant has requested City approval of a PUD amendment for this development because it would be a residential land use in previously approved business park PUD. Since this would be a new land use in an established PUD, 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 amendment is required because the senior housing would be a land use not approved by the City for the original PUD.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the proposed development would meet the following objectives:
 - A. *Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*
 - The proposed development is not a typical, multi-story apartment building and instead proposes a design that fits the site while preserving the important natural features including slopes, trees and wetlands.
 - B. *Promotion of integrated land use, allowing a mixture of residential, commercial and public facilities.*
 - The proposed senior housing development would add a residential land use to an area with offices, clinics and other commercial land uses.
 - 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 gardens, gazebos and bocce ball.
 - 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 senior housing development would provide additional housing opportunities within the City that would have convenient access to employment and commercial facilities. In addition there are currently very few multi-family residential buildings within the City.
 - E. *Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.*
 - The proposed site plan for the senior housing building shows careful placement of the proposed building in that it will preserve many of the existing trees on the site and would keep the proposed building well away from the existing wetlands on the site
 - G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*
 - The design of the building should be compatible with those of the adjacent commercial properties to the north and east of the site.
 - 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 an 11.7-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 letter that about 75 % of the proposed development area would be devoted to common open space (including the garden areas, green spaces, wetlands, bocce 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 is an existing lot of record with about 638 feet of frontage on Eagle Pointe Boulevard and about 1000 feet of frontage on Hudson Boulevard. The applicant is not proposing any new public streets but rather two private driveways from Eagle Pointe Boulevard to serve the development. The City Engineer, however, is recommending that the City only allow one driveway onto Eagle Pointe Boulevard for this site because of spacing and access management concerns. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated September 3, 2019 before submitting plans for a preliminary plat and preliminary PUD plans for this site.

Density. The proposed density for this development is 9 residential units per acre – 100 proposed units on a 11.7 acre site. The proposed HDR land use designation allow up to 15 residential units per acre. For this site, the maximum allowed density, without amenity points, would be 165 residential units.

Zoning Map Amendment. If the City approves the proposed Concept Plan and the applicant applies for City approval of Preliminary Plat and PUD plans, the City also will require a Zoning Map Amendment (along with the Comprehensive Plan Amendment) for this site. This rezoning would be from BP (business park) to HDR (Urban High Density Residential).

Recommended Findings. Staff recommends approval of the Concept PUD Plan for the proposed Applewood Pointe Senior Living development as proposed by United Properties based on the following findings:

1. That if the Lake Elmo Comprehensive Plan and Land Use Map is amended to re-guide the site of this PUD from BP (business park) to HDR (urban high density residential), the PUD concept plan would be consistent with the intent of the Lake Elmo Comprehensive Plan and Future Land Use Map for the area.

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

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the Concept PUD for the Applewood Pointe Senior Living Development as proposed by United Properties with the following conditions:

1. That the applicant request and the City approve a Comprehensive Plan Amendment to amend the City's Land Use Plan to re-guide the property from BP (business park) to HDR (high density residential).
2. That the future preliminary plat and preliminary PUD plans would be for the parcel with the PID #33.029.21.44.0009.
3. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions for any additional right-of-way or easements that may be needed for Hudson Boulevard.
4. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code including having fewer off-street parking spaces on the site than required by the City Code.
5. That the applicant address all comments in the City Engineer's Memorandum dated September 3, 2019 with the future preliminary plat and preliminary PUD Plans submittal. These include completing a traffic impact study, having only one driveway for the site, installing a public trail along Hudson Boulevard and managing all storm water on the site.
6. That the Preliminary Plat and PUD Plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect.
7. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
8. That the applicant/developer provide the City fees in lieu of park land dedication as required by 153.14 with future final plat.
9. That the preliminary plat and preliminary PUD Plans submittal include detailed architectural plans for all the proposed buildings.

10. The applicant receive a permit from the South Washington Watershed District for the construction of the proposed development.
11. That all comments of the Fire Chief be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
12. That all comments of the Building Official be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
13. That the applicant/developer install a 8-foot-wide trail along Hudson Boulevard and a 6-foot-wide concrete sidewalk along Eagle Pointe Boulevard as a part of the improvement of the site.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have 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 recommends that the Planning Commission recommend to the City Council approval of the proposed PUD Concept Plan for the proposed Applewood Pointe Senior Living development as proposed by United Properties to be located on the southeast corner of Eagle Pointe Boulevard and Hudson Boulevard with the recommended conditions of approval as outlined in the staff report.

“Motion to recommend approval of the PUD Concept Plan as requested by Jennifer Mason (of United Properties) for PID# 33.029.21.44.0009 for the project to be known as Applewood Pointe Senior Living located on the southeast corner of Eagle Pointe Boulevard and Hudson Boulevard subject to recommended conditions of approval as outlined in the staff report.”

ATTACHMENTS:

- Applicant’s Letter dated August 19, 2019
- Project Information dated July 31, 2019 (12 pages)
- 2040 Land Use Plan Map
- Location Map
- Address Map
- Aerial Photo
- Applicant’s Site Map/Aerial Photo
- Site Survey
- Site Survey – Existing Conditions
- Site Survey Analysis
- Concept Site Plan
- City Engineer review memo dated September 3, 2019 (3 pages)



**UNITED
PROPERTIES**

651 Nicollet Mall, Ste 450
Minneapolis, Minnesota 55402
952-835-5300

1331 17th Street, Ste 604
Denver, Colorado 80202
720-898-8866

August 19, 2019

Ken Roberts
Planning Director
City of Lake Elmo
3880 Laverne Avenue North
Suite 100
Lake Elmo, MN 55042

Dear Mr. Roberts,

United Properties is requesting a PUD concept plan review with the City of Lake Elmo Planning Department. We are proposing a 4-story approximate 100-unit senior cooperative on Outlot C of the Eagle Pointe Business Park along Eagle Point Blvd & Hudson Blvd. To date, we have built 15 Applewood Pointe cooperative communities around the Twin Cities with a sixteenth scheduled to break ground later this year. The following is a link to our Applewood Pointe website: <https://www.applewoodpointe.com/>. This would be a "for sale" residential product with homes ranging in size from approximately 1,300 to 1,800 sq.ft. All homes have at least two bedrooms and two baths, with many having a sunroom or den.

As you are probably aware, the office market has changed significantly from when the PUD was originally approved. Although we have tried to market this site for many years for an office use, we have come to the conclusion that due to the reduced demand for office space, and the attributes of this specific site, that this particular location is much better suited for residential. The same attributes including the existing wetlands and grades that make for a challenging office location, represent positive attributes for an Applewood Pointe community. We have worked closely with our architect to respect the existing wetlands and corresponding setbacks as well as the grades to create a plan that we feel is ideal for this site. As discussed in a previous meeting, it appears that Comprehensive Plan and existing PUD will need to be amended to allow for high density residential. We firmly believe that this would provide an opportunity to incorporate a low traffic generating residential use that is in high demand. Five of our last six senior cooperatives have been sold out prior to construction completion. We are confident that Lake Elmo's reputation along with the local amenities and retail options will make this a very popular location.



**UNITED
PROPERTIES**

651 Nicollet Mall, Ste 450
Minneapolis, Minnesota 55402
952-835-5300

1331 17th Street, Ste 604
Denver, Colorado 80202
720-898-8866

We have included information along with a survey and site plans which should help give a basic understanding of our communities. Please let us know if there is any additional information that you feel would be helpful. The following is a video link to our most recent community in Champlin which opened this past April.

<https://www.youtube.com/watch?v=XetbQF62aHI&feature=youtu.be>

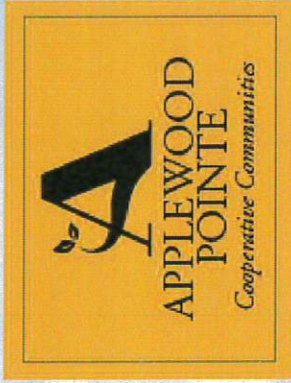
Below please find the requested tabulation of the proposed approximate allocations of land use expressed as percentages of the total project area for the following:

- Area devoted to the common open space = 75%
- Area devoted to the public open space and public amenities = 0%

I look forward to hearing from you and having an opportunity to discuss the project further with the Planning Department.

Best Regards,

Jennifer Mason
Development Manager



APPLEWOOD POINTE OF LAKE ELMO

JULY 31ST, 2019



LSE
ARCHITECTS

UNITED PROPERTIES

Senior Living



UNITED PROPERTIES
CREATING DEEP ROOTS



UNITED PROPERTIES

United Properties At A Glance

CREATING DEEP ROOTS

IMAGINING POSSIBILITIES
Imagining possibilities means we always look for ways to improve our communities. We work with our residents, families, and staff to create a better living environment. We strive to be the best at what we do, and we are committed to making a difference in the lives of our residents and staff.

STRENGTHENING COMMUNITIES

Creating communities is about more than bricks and mortar. We pay a very special attention to the people who live and work in our communities. We strive to be the best at what we do, and we are committed to making a difference in the lives of our residents and staff.

LEAVING LASTING LEGACIES

Creating legacies is a passion for all of us at United Properties. We strive to be the best at what we do, and we are committed to making a difference in the lives of our residents and staff. We strive to be the best at what we do, and we are committed to making a difference in the lives of our residents and staff.

UNITED PROPERTIES AT A GLANCE			
5.3 million square feet of office space since 2000	Offices in Minneapolis and Denver	More than 20 million total square feet developed in the US since 2000	
50 owned assets totaling 6 million+ square feet	Privately held by the Polkad Companies	68 Employees	

NOTABLE AWARDS & RECOGNITION

TOP DEVELOPER
United Properties was named one of the top 100 commercial real estate developers in the nation by *ENR* magazine in 2015, 2016, and 2017.

BEST OF BUSINESS AWARD
Best Office Building Real Estate Award by *ENR* magazine in 2015, 2016, and 2017.

INDUSTRIAL DEVELOPMENT OF THE YEAR UNVIO
Properties Denver Office won UNVIO Colorado's 2015 Industrial Development Award for the development of the United Properties Industrial Center (UPIC) in 2015.

COMMERCIAL REAL ESTATE AWARD
Properties Denver Office won the 2015 Commercial Real Estate Award for the development of the United Properties Industrial Center (UPIC) in 2015.

MAJOR AWARD OF EXCELLENCE
United Properties was named a 2015 National Association of Industrial and Office Properties (NAIOP) Award of Excellence.

DEVELOPER OF THE YEAR
United Properties was named National Developer of the Year by the National Association of Industrial and Office Properties (NAIOP) in 2015.



APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living at a Glance

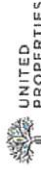
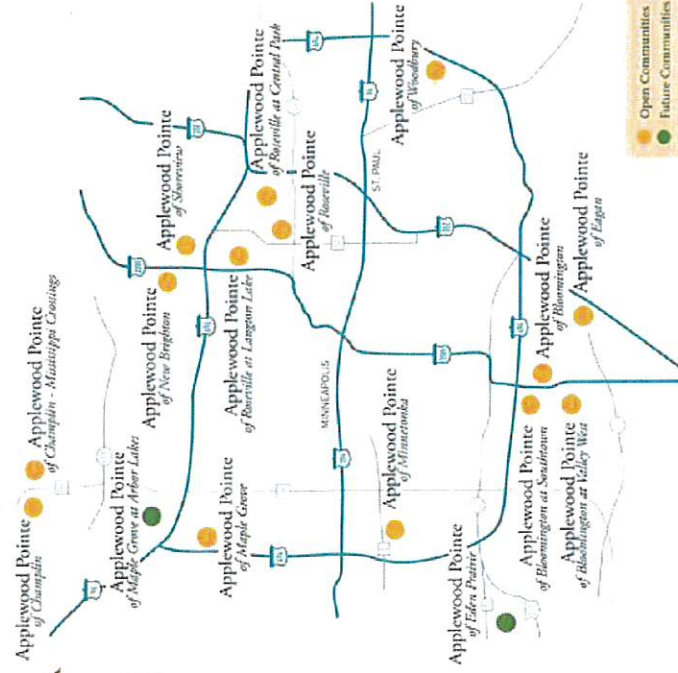
July 31, 2019



UNITED PROPERTIES
CREATING DEEP ROOTS



Minneapolis North:
763-316-0100
Minneapolis South:
952-884-6400
Denver Office:
720-499-1083



Creating Deep Roots 6

What is a Cooperative?

- Shareholder in non-profit corporation
- One owner must be 62+
- Joint ownership and operation by member board
- 40-year, fixed rate, HUD guaranteed master mortgage
- 4 financing equity options – 20%, 40%, 60%, 80%
- 2% fixed appreciation – builds waitlist



APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living at a Glance

July 31, 2019

Common Spaces

- Club Room
- Community Gardens
- Craft Studio
- Conference Room
- Fitness Center
- Library
- Great Room
- One parking spot in the underground garage
- Garage:
 - Carwash w/Vacuum
 - Bike Storage
 - Electric Charging Stations

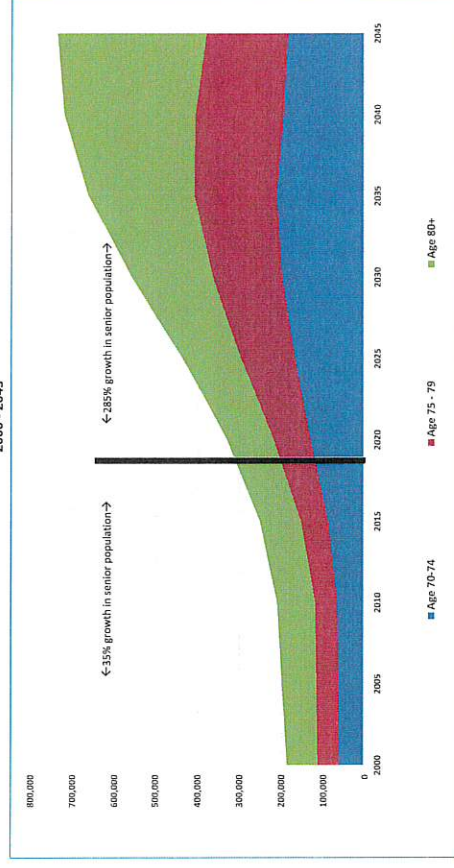


Creating Deep Roots 7



Creating Deep Roots 5

Senior Population Growth (Age 70+)
Seven County Twin Cities Metro Area
2000 - 2045



APPLEWOOD POINTE OF LAKE ELMO
United Properties - Senior Living at a Glance

July 31, 2019



Senior Housing Helps Assure a Youthful City

- Serves the long-term residents of your City, many have lived in the community 30 – 50 + years
- Seniors typically will not move from single family homes without quality options. Promotes housing stock turnover and reinvestment in existing homes
- Supports the school system – New residents in seniors' homes will be younger and likely have school-aged children
- Adds to the tax base through the new senior housing development and reinvestment in single family homes



Creating Deep Roots 9



Creating Deep Roots 10

Traffic – Senior Cooperative

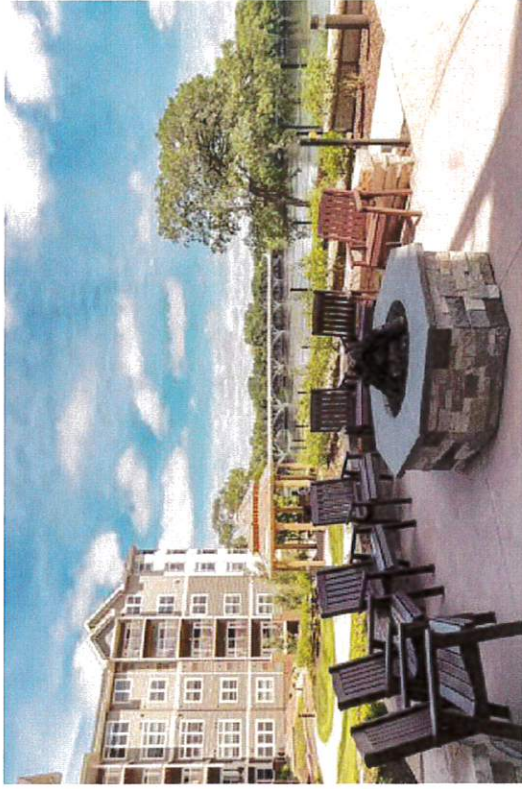
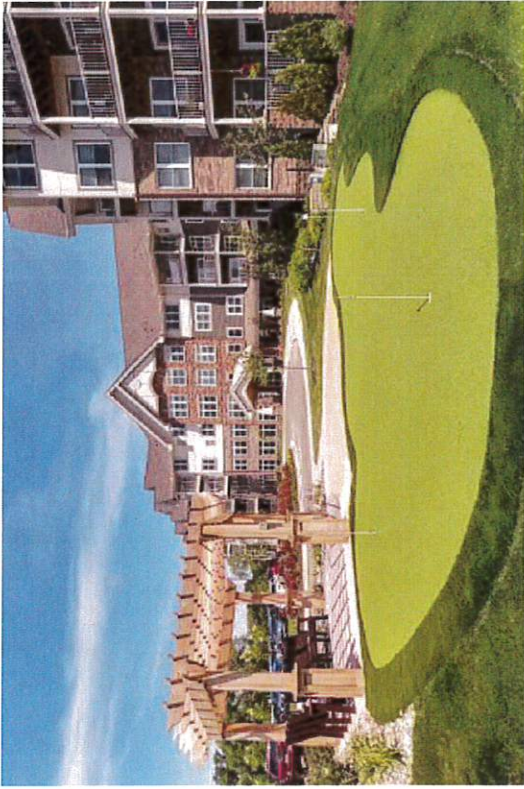
- Low traffic generator
- 3.7 trips per unit per day
- 20 peak a.m. trips; 26 peak p.m. trips. Residents avoid peak (rush hour)
- Comparison: Apartment 7.2 trips per day
Condominium 5.8 trips per day
Single Family 10.0 trips per day



APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living at a Glance

July 31, 2019



APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living Example

July 31, 2019





APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living Example

July 31, 2019

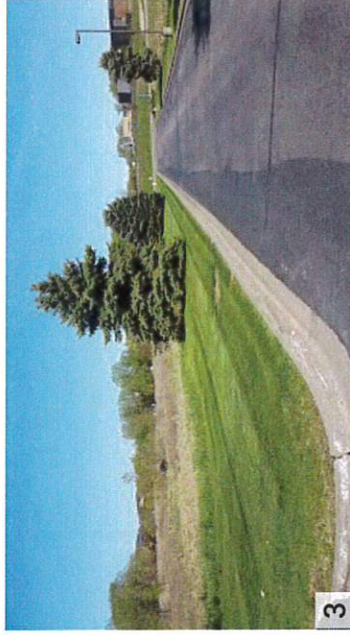




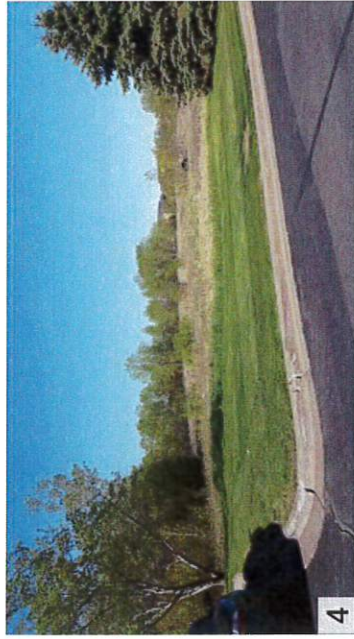
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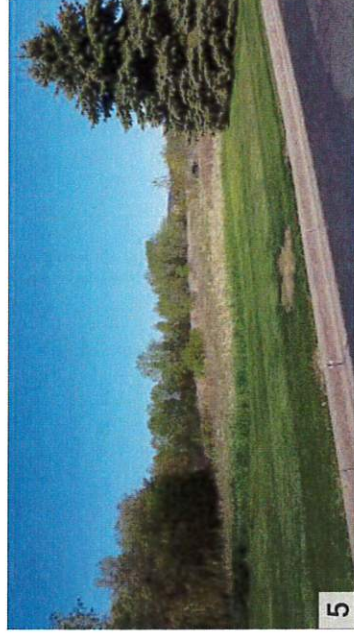
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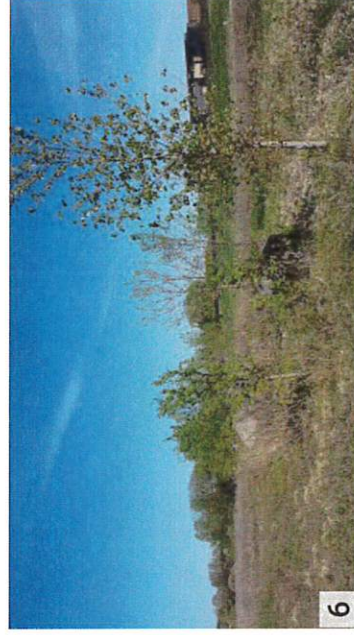
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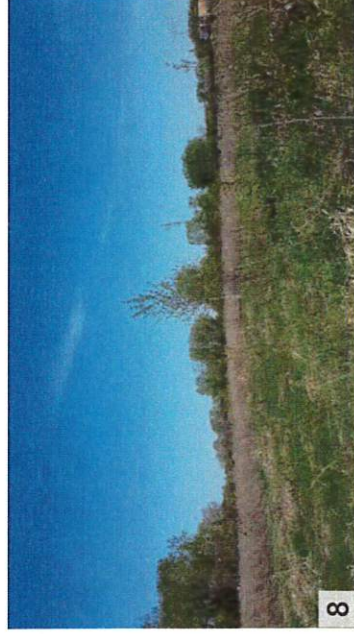
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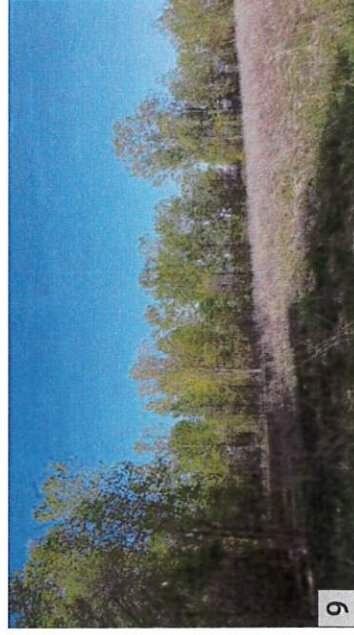
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APPLEWOOD POINTE OF LAKE ELMO

Existing Site Photos

July 31, 2019





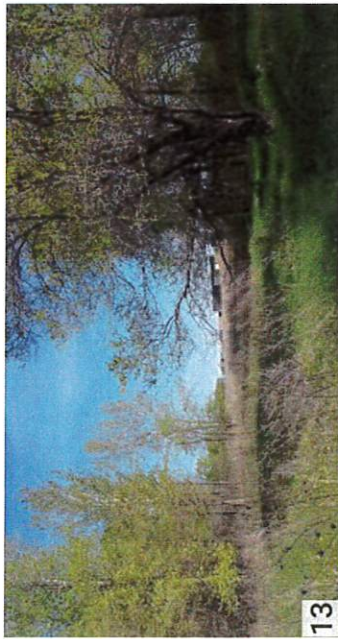
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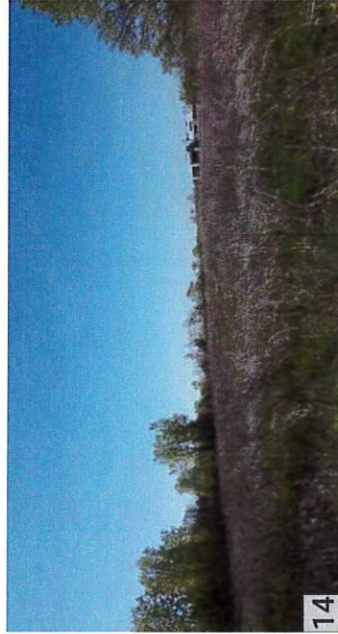
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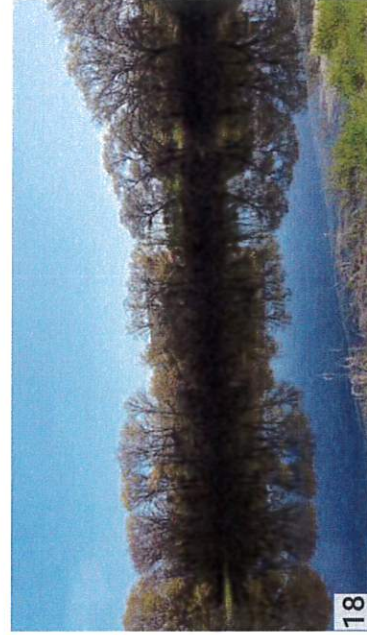
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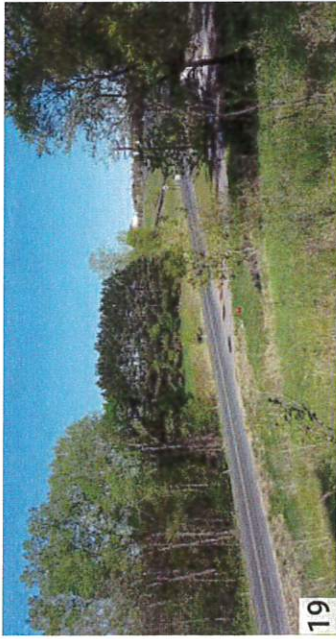
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APPLEWOOD POINTE OF LAKE ELMO Existing Site Photos

July 31, 2019





19



20



21



22



23



24



25



26



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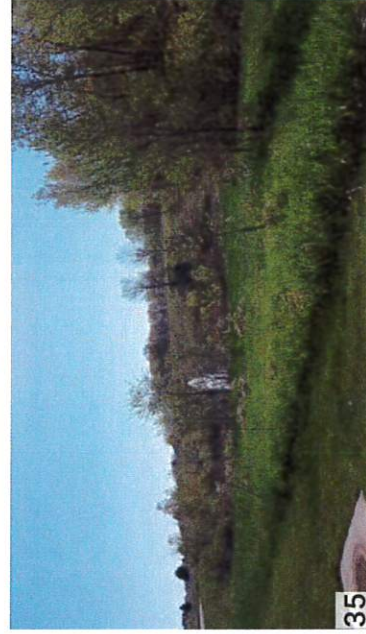


APPLEWOOD POINTE OF LAKE ELMO

Existing Site Photos

July 31, 2019



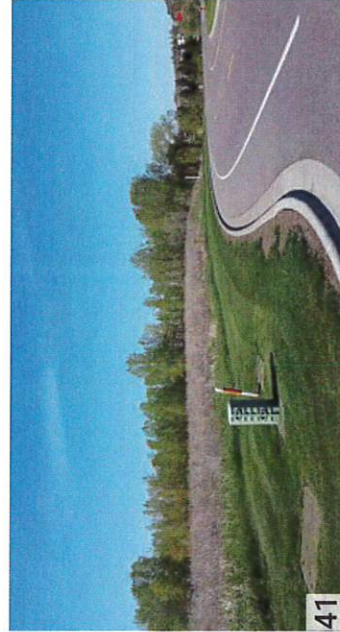
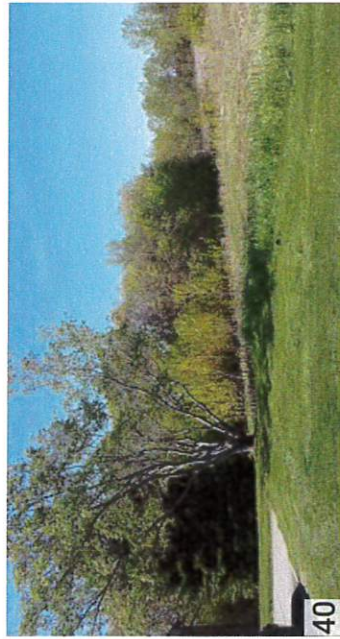
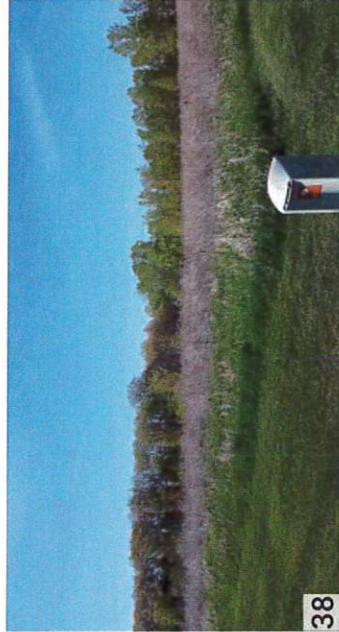


APPLEWOOD POINTE OF LAKE ELMO

Existing Site Photos

July 31, 2019



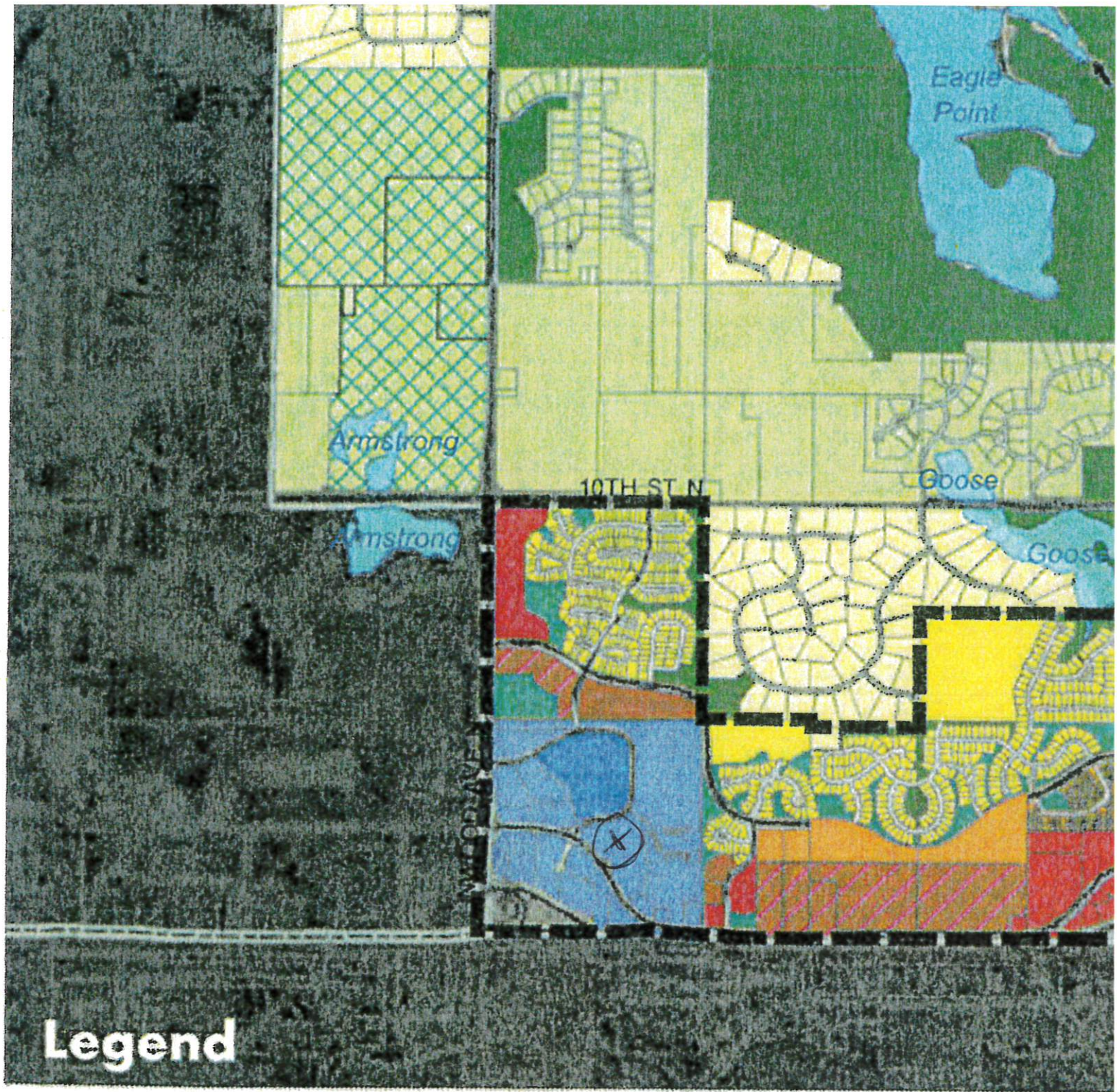


APPLEWOOD POINTE OF LAKE ELMO

Existing Site Photos

July 31, 2019





Legend

2040 Future Land Use



AP



RAD



RSF



RSFS



GC



LDR



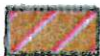
MDR



HDR



MU-BP



MU-C



V-LDR



V-MDR



V-HDR



V-MU



LB



BP



C



Closed Landfill



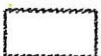
Institutional



Park



PSP



ROW



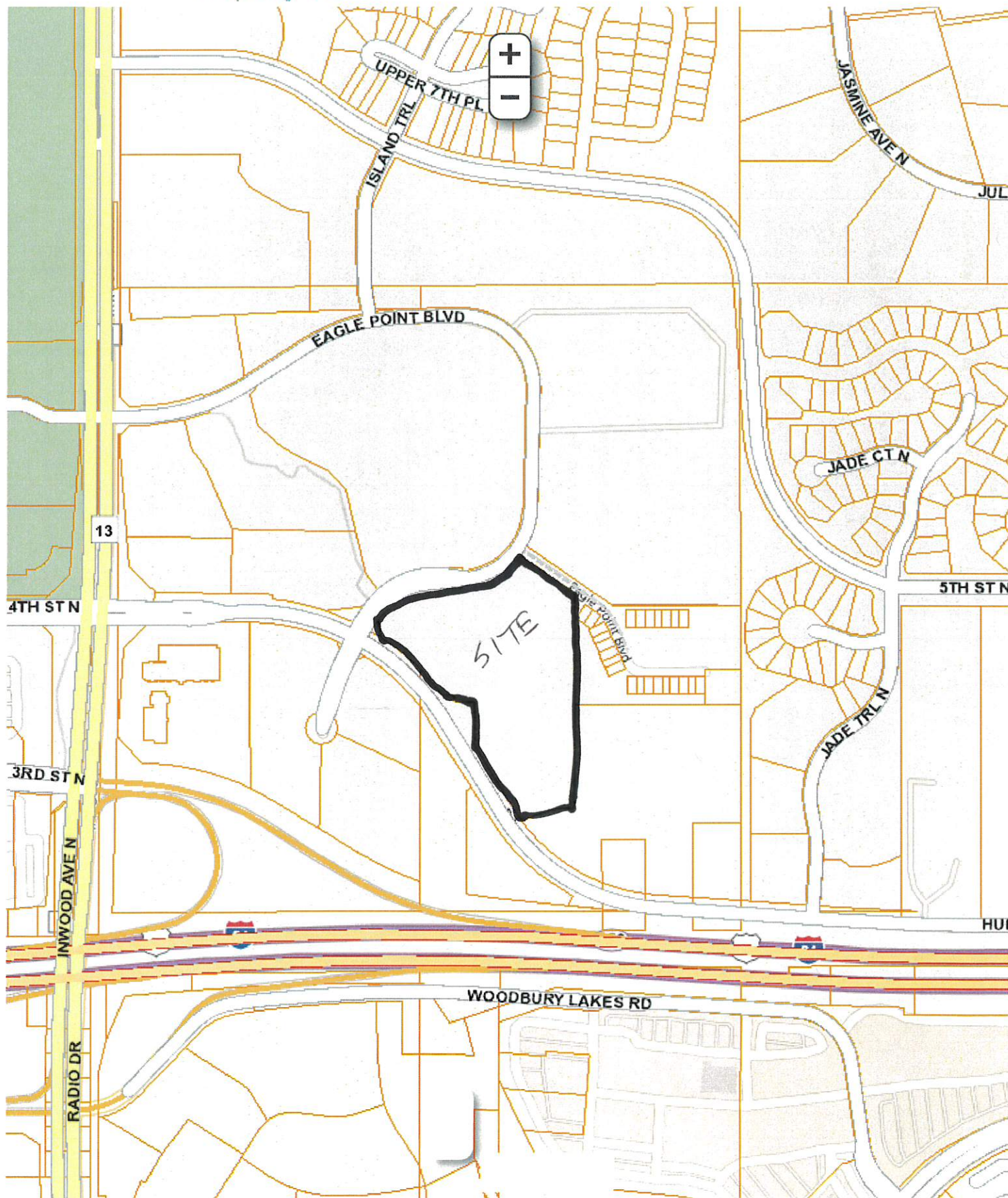
MUSA 2040 (Revised)

→ Plan

ZONING NOW IS BP-PUD (1999 APPROVAL)

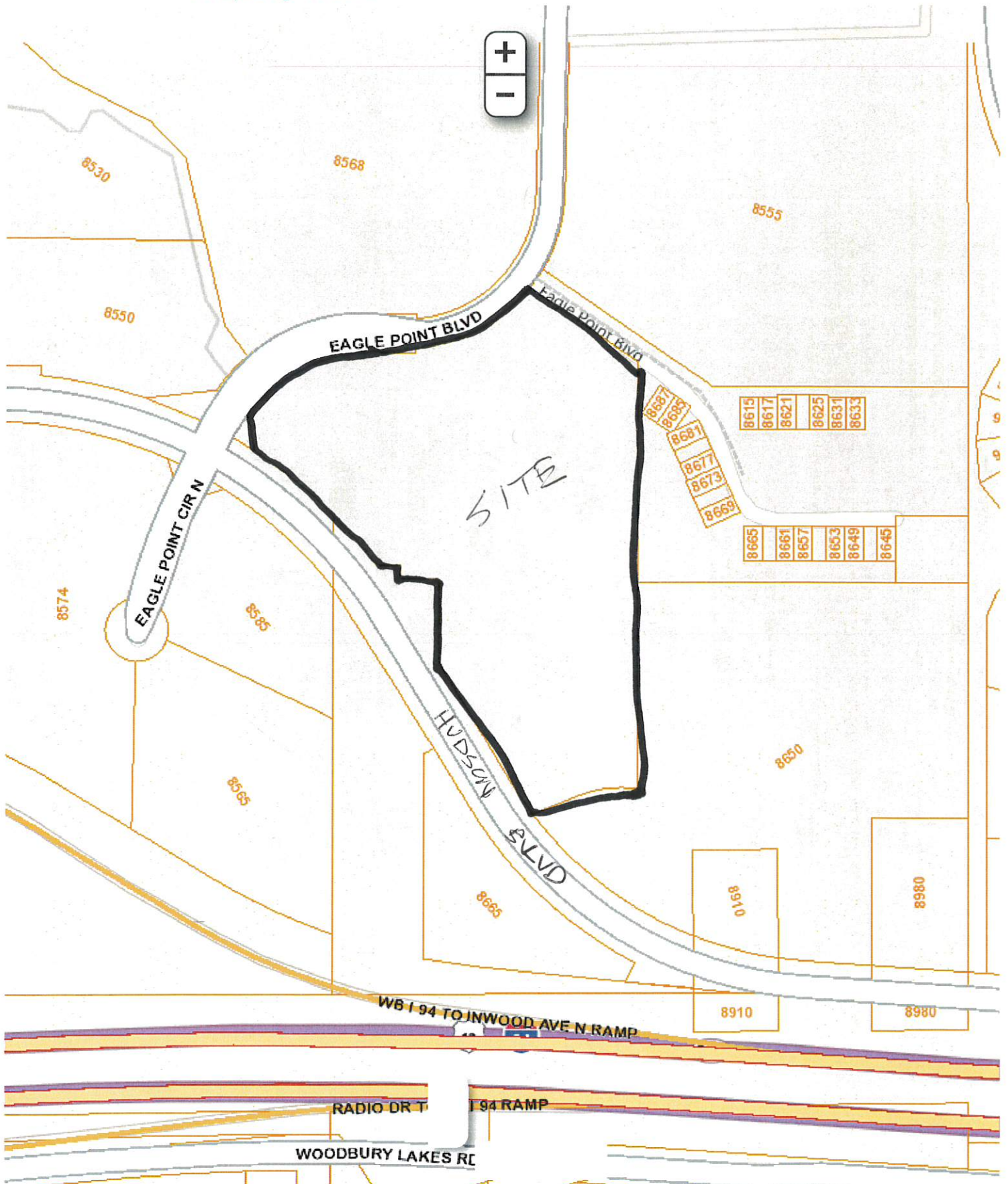


Property Viewer

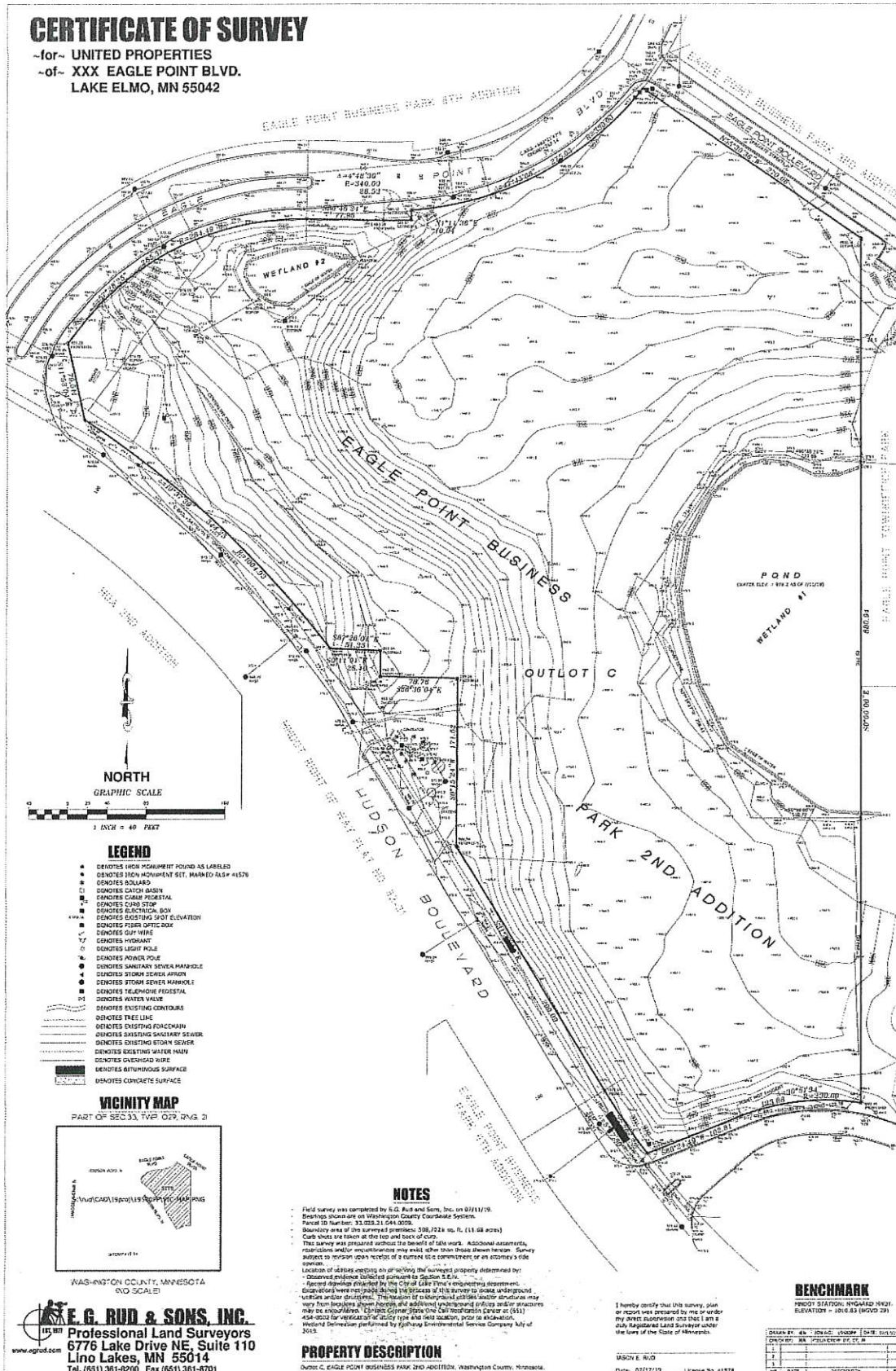




Property Viewer



~for~ UNITED PROPERTIES
~of~ XXX EAGLE POINT BLVD.
LAKE ELMO, MN 55042



ST ARCHITECTS



III
UNITED PROPERTIES
CREATING NEW GOOVS

July 31, 2019

APPLEWOOD POINTE OF LAKE ELMO

Site Survey





Property Viewer





APPLEWOOD POINTE OF LAKE ELMO
Site Map

July 31, 2019



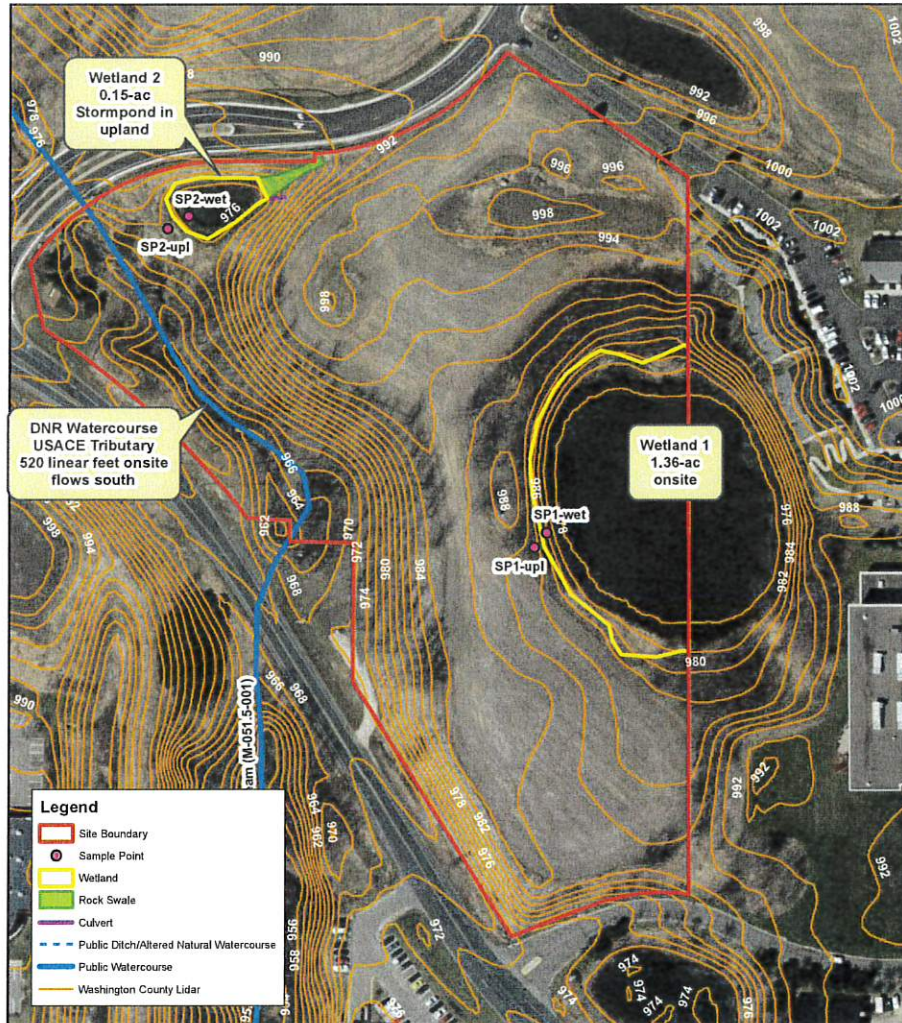
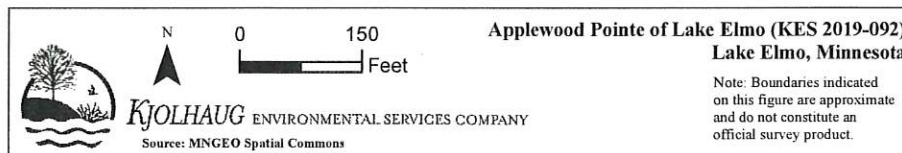


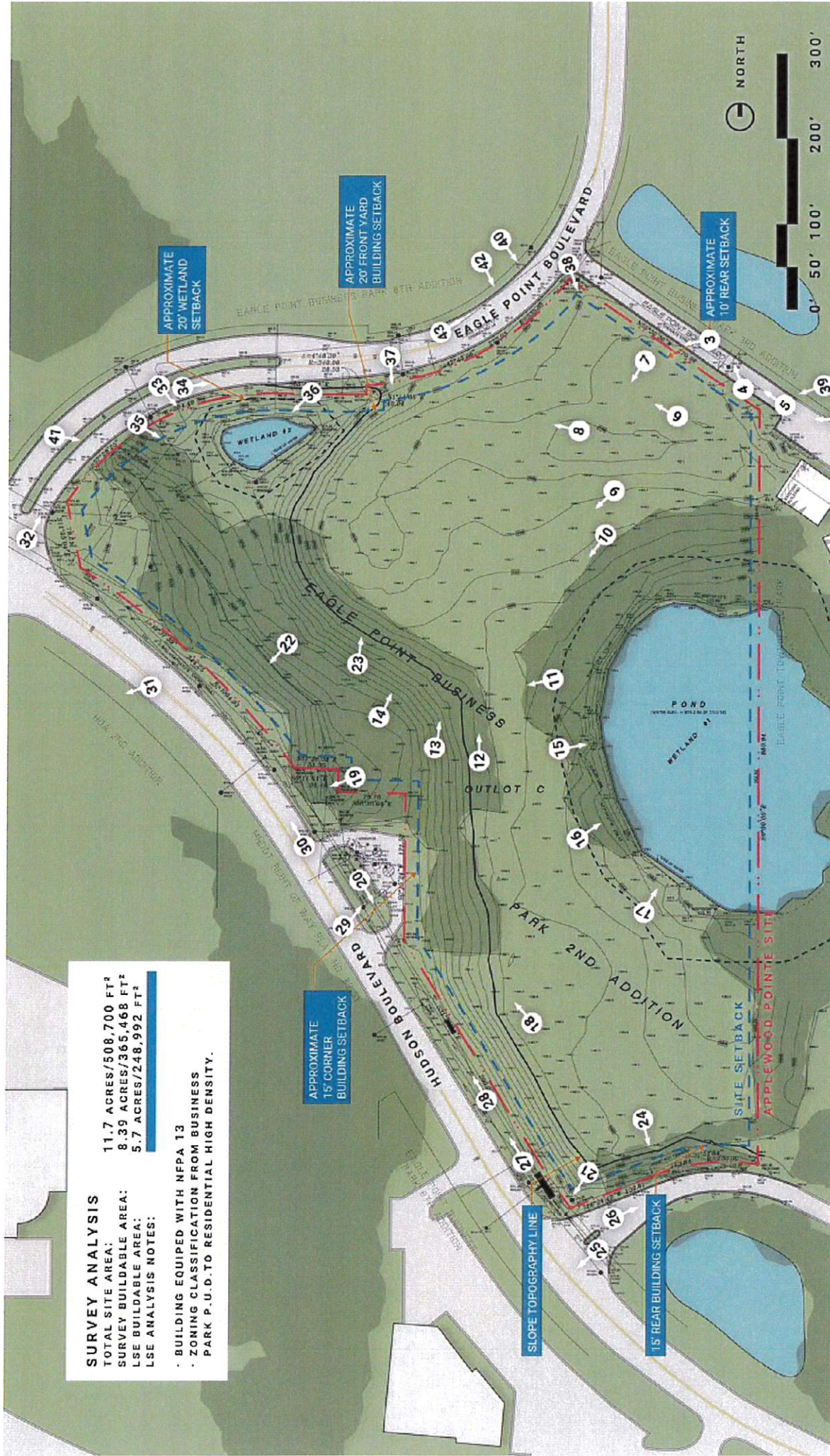
Figure 2 - Existing Conditions



SURVEY ANALYSIS

TOTAL SITE AREA:
 11.7 ACRES/508,700 FT²
 SURVEY BUILDABLE AREA:
 8.39 ACRES/365,468 FT²
 LSE BUILDABLE AREA:
 5.7 ACRES/248,992 FT²
 LSE ANALYSIS NOTES:

- BUILDING EQUIPPED WITH NFPA 13
- ZONING CLASSIFICATION FROM BUSINESS PARK P.U.D. TO RESIDENTIAL HIGH DENSITY.



APPLEWOOD POINTE OF LAKE ELMO Site Survey Analysis

July 31, 2019



CONCEPT SITE PLAN PARAMETERS

TOTAL SITE AREA:	11.7 ACRES/508,700 FT ²
BUILDING FOOTPRINT:	54,140 FT ²
BUILDING LEVELS:	4 STORIES
ON-GRADE PARKING:	±72 STALLS
BELOW-GRADE PARKING:	±100 STALLS
CO-OP UNITS:	±100 UNITS
CO-OP UNIT SIZES:	1,300 - 1,950 FT ²

HUDSON BOULEVARD

EAGLE POINT BOULEVARD

APPLEWOOD POINTE
OF LAKE ELMO

GAZEBO

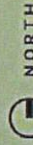
CANTILEVERED
DECK SPACE

BOCCE BALL

CLASS 5 FOR FIRE
ACCESS IF REQUIRED

SITE SETBACK

APPLEWOOD POINTE SITE



0' 50' 100' 200' 300'



APPLEWOOD POINTE OF LAKE ELMO

Concept Site Plan

July 31, 2019



MEMORANDUM

FOCUS ENGINEERING, inc.

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: September 3, 2019

To: Ken Roberts, Planner Director	Re: Applewood Pointe at Lake Elmo (United Properties)
Cc: Chad Isakson, Assistant City Engineer	Concept Site Plan Review
From: Jack Griffin, P.E., City Engineer	

We have reviewed the Applewood Pointe Concept PUD Plans. The Concept Site Plans consisted of the following documentation received on August 12, 2019:

- Narrative dated August 1, 2019, prepared by United Properties.
- Concept Site Plan dated July 31, 2019.
- Site Survey Analysis dated July 31, 2019.
- Certificate of Survey dated July 17, 2019.
- Wetland Delineations, not dated.

Engineering has the following review comments:

STREETS AND TRANSPORTATION

- Eagle Point Boulevard Improvements. A Traffic Impact Study should be required to review the traffic impacts that would be placed on the adjacent local roadway system from the higher density use of the property. This review should include, but not be limited to:
 - Consideration for extending the right-turn lane on Eagle Point Boulevard (at Hudson Boulevard) for an additional 300-400 feet. It has been reported that the peak hour traffic currently exceeds the turn lane capacity.
 - Consideration for left and right turn lanes at the Applepointe Subdivision access locations.
- Eagle Point Boulevard Right-of-way Dedication. Additional right-of-way may need to be dedicated to the City along Eagle Point Boulevard to accommodate any proposed or potential future improvements for the roadway corridor.
- Hudson Boulevard Improvements. Hudson Boulevard Improvements should be required as part of the Subdivision in accordance with the Hudson Boulevard Design Standards, with an Urban section along the north boulevard and bituminous trail.
- Hudson Boulevard Right-of-Way Dedication. Additional right-of-way dedication to the City along Hudson Boulevard may be required to accommodate the Hudson Boulevard Improvements.
- Site Access. The concept plan proposes two access locations along Eagle Point Boulevard, approximately 200 feet apart. The north access is proposed only 80 feet from the existing Eagle Point business condominiums. These access locations do not meet City access spacing guidelines along Collector Roadways and are not recommended as presented. A transportation review should be completed to determine better Subdivision Access.
- Pedestrian Connectivity. The City should review the site plan to determine pedestrian connectivity surrounding the proposed Subdivision.
- Private Streets. The streets interior to the development are proposed to remain privately owned and maintained. Interior street design may require revisions to provide adequate fire lanes and safety access.

MUNICIPAL SANITARY SEWER

- The proposed site is guided in the City's Comprehensive Plan for Phase I of the Regional Sewer Staging Plan and would discharge to the MCES WONE Interceptor.
- Sanitary sewer service is available to the site. The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost.
- The concept plan does not include a sanitary sewer utility plan for review but is proposing 100 REC units plus additional potential facilities and amenities. The site was originally planned for up to 50 REC units.
- The applicant will be required to connect to the existing sanitary sewer along Hudson Boulevard, connecting to an existing 8-inch sanitary sewer pipe extending northwest from the I94 Lift Station site. Capacity is not available for this facility to connect to the existing 15-inch sanitary main extending southeast of this manhole.
- A review of the impacts to the sanitary sewer system and adjacent I94 Lift Station will be required to identify any improvements necessary to accommodate the added sewer flows.
- Existing Utility Easements. The existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown with any preliminary plan submittal and plan revisions must be made to avoid encroachments/conflicts with these easements.
- Any sanitary sewer main lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the City's Utility Easement Agreement.

MUNICIPAL WATER SUPPLY

- The concept plan does not include a watermain utility plan for review but is proposing 100 REC units plus additional potential facilities and amenities. The site was originally planned for up to 50 REC units. A review of the impacts to the water system will be required to identify any improvements necessary to accommodate the added water demands.
- Municipal Water service is available to the site. The applicant will be responsible to extend municipal water into the development at its cost and will be required to construct a looped watermain network internal to the site with, at least, a second City watermain connection point.
- Watermain is available to be extended to the property from an existing 12-inch trunk watermain located along three sides of the proposed site, including Hudson Boulevard, Eagle Point Boulevard and the commercial driveway to the adjacent property.
- The existing water system will need to be reviewed to determine if sufficient capacity for the proposed high-density development is available without additional improvements to the water system. During preliminary planning the applicant must provide domestic and fire suppression demands for the facility so that staff may verify adequate water system capacity.
- No watermain pipe oversizing is anticipated at this time. Further review will be completed as the application moves forward through the process.
- The applicant will 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.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.

STORMWATER MANAGEMENT

- The concept plan does not address storm water management. The proposed development is subject to a storm water management plan meeting State, South Washington Watershed District (SWWD) and City rules. A permit will be required from the Minnesota Pollution Control Agency and SWWD.
- Storm water facilities proposed as part of the site plan to meet State and SWWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual.

- Permitting requirements will require rate control from all points of discharge from the site and will require volume control (or infiltration). Overland emergency overflows or outlets are required as part of the site plan for flood protection. The site plan will likely require additional storm water ponding or infiltration to satisfy all storm water regulations.
- If storm water ponds (detention) and infiltration basins are proposed, the 100-year high water flood level (HWL) for each basin must be fully contained within private property.
- The storm water facilities constructed for this development should 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.
- Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for all storm water facilities.



STAFF REPORT

DATE: 09/09/19

PUBLIC HEARING

ITEM #: 4C

TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Final Plat and Final Planned Unit Development (PUD) Plans – Springs at Lake Elmo Apartments**
REVIEWED BY: Ben Prchal, City Planner
Jack Griffin, City Engineer

BACKGROUND:

The City has received land use requests from Continental 483 Fund LLC (c/o Gwyn Wheeler) for approval of Final Plat and Final Planned Unit Development (PUD) Plans for a 300 unit multi-family residential development on a 17.01-acre parcel to be called Springs Apartments.

The City Council reviewed and approved the concept plans for this PUD on March 5, 2019. This approval was documented in Resolution 2019-017 and was subject to 13 conditions of approval.

On May 13, 2019, the Planning Commission reviewed the proposal, held a public hearing and recommended approval of the land use requests (including an increase in project density because of the proposed development amenities) for the Springs Apartments.

On June 18, 2019, the City Council approved a Zoning Map Amendment and Preliminary Plat and Preliminary PUD Plans for a 300 unit multi-family residential development on a 17.01-acre parcel to be called Springs Apartments. This approval was subject to 37 conditions of approval.

ISSUE BEFORE THE COMMISSION:

The Planning Commission is being requested to review, hold a public hearing and make a recommendation to the City Council about the proposed Final Plat and Final planned unit development (PUD) plans for the development to known as the Springs at Lake Elmo Apartments.

GENERAL INFORMATION:

- *Property Owner:* DPS-Lake Elmo, LLC of 6007 Culligan Way, Minnetonka, MN 55345
- *Applicant:* Continental 483 Fund LLC (c/o Gwyn Wheeler)
- *Location:* North of Hudson Blvd. N, west of Keats Avenue
- *Site Area:* 17.57 gross acres, 17.33 net acres
- *Land Use Guidance:* 2030 Comprehensive Plan – Commercial, 2040 Comprehensive Plan – Mixed Use Commercial
- *Existing Zoning:* Rural Development Transitional
- *Proposed Zoning:* Urban High Density Residential (subject to final approval of the 2040 Comprehensive Plan update)

- *Surrounding Land Use Guidance:* Commercial to the East, Urban Medium Density Residential to the North (Union Park Townhouses), Commercial to the West, and Hudson Boulevard and I-94 to South.
- *History:* The property has been used as rural vacant land and as a homestead. There is a wetland on the site that staff is estimating is about 0.3 acres in size. It is located along the north side of Hudson Blvd about 240 feet west of the east property line of the site. A large portion of the eastern part of the site is covered in trees.
- *Deadline for Action:* Initial Application Received: July 26, 2019
Incomplete letter sent: August 5, 2019
Updated Information Received: August 19, 2019
60-day timeline: October 17, 2019
120-day timeline: December 16, 2019

PROPOSAL DETAILS/ANALYSIS:

Project Overview/Site Plan. The proposed site plan includes 15 buildings with 20 units each. The buildings are a townhouse design, two stories tall with a mix of studio, 1-bedroom, 2-bedroom and 3-bedroom units. Many units provide attached, direct-access garages for a total of 120 attached garage spaces for the 300 units. The applicant also is planning to have seven detached garage buildings (with a total of 42 spaces), 399 surface parking spaces, an approximately 4,300 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar and office space), pool with sun deck, trash enclosure, mail kiosk, and one pet playground all within a fenced, controlled access community.

The site plan shows the primary entrance to the development would be off of Hudson Boulevard and there would be an emergency access drive connecting to the north/south road (Julia Avenue) to the west of the site. The applicant also is proposing to preserve much of an existing wetland on the site that is near Hudson Boulevard. The proposed final plans are generally consistent with the plans City approved earlier this year. The primary changes to the Subdivision plans have been to the grading and drainage plans to meet the standards and requirements of the City and Watershed District. The project engineer also has expanded the plans to now include the public improvements to Hudson Boulevard and Julia Avenue, including storm water management for these improvements, as required as part of the preliminary plat conditions of approval.

About the Applicant. Continental 483 Fund LLC. (Applicant) desires to develop a Class A, market-rate apartment community within the City. The company, started in 1979, is based out of Menomonee Falls, WI, and as of 2019 has broken ground on 22,000 apartment homes in 18 states. 65 Springs Apartment communities, similar to this proposed development, have been developed, including three in Minnesota (Apple Valley, Rochester, and Savage). The applicant has indicated in meetings with City that Continental owns and operates all Springs developments and they do not have third party management of their properties.

2040 Comprehensive Plan Update. As the Planning Commission and City Council are aware, the City has been working to complete its required 2040 Comprehensive Plan update. The City Council approved the proposed Plan update at its February 5, 2019 meeting and authorized City staff to submit the updated Comprehensive Plan to the Metropolitan Council for their approval.

Since then, City staff and the City Planning consultant have been working with the Metropolitan Council to clarify information in the proposed plan and we have submitted additional information to ensure the 2040 Comprehensive Plan will be complete and will meet all the requirements of the Metropolitan Council. The City received notification on August 20, 2019 that the Metropolitan Council determined the proposed Comprehensive Plan update is complete for their review purposes. This review and approval process by the Metropolitan Council may take up to 120 days. They have notified the City that they expect to review the proposed Comprehensive Plan update in September and that they will act on it (and

hopefully approve it) in October 2019. Once the Metropolitan Council approves the proposed 2040 Comprehensive Plan, the City must give the proposed 2040 Comprehensive Plan final approval and then start using and implementing the updated Plan.

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

In this case, the applicant is proposing a development with 300 dwelling units on 17.33 net acres. This calculates to 17.31 dwelling units per net acre thus exceeding the density limits set for this area in the 2040 Comprehensive Plan (without any credit for density bonuses that the City may grant through the PUD process). At 15 dwelling units per net acre, this site could accommodate 260 units. (Please see the Density Analysis below for more information about this.)

With the pending land use designation (MU-C) for this site, the City will not be able to give final approval to the proposal until after the Metropolitan Council and the City Council have finalized the 2040 Comprehensive Plan. As such, the City will need to make any and all final project approvals contingent upon final approvals of the 2040 Comprehensive Plan by the Metropolitan Council and by the City Council.

Zoning Map Amendment. In order for this development to proceed, the City Council approved a zoning map amendment (rezoning) for the property from RT (rural development transitional) to HDR (urban high density residential). According the Lake Elmo Zoning Code, the HDR district is to provide for moderate to high density attached and multi-family housing, designed to present an attractive appearance to neighboring street and adjacent uses, to include sufficient private and semi-private outdoor space and to be well-integrated into their surroundings. Development in this district may occur at densities in excess of seven dwelling units per acre, provided the overall densities are consistent with the net densities specified in the Comprehensive Plan.

As drafted by staff (and as approved by the City Council), the Ordinance to amend the Zoning Map for this site will only become effective after the Metropolitan Council approves the 2040 Comprehensive Plan.

Final Plat/PUD Plans

As I noted above, the proposed final plat/final PUD plans are generally consistent with the approved preliminary plat/PUD plans. I note the important elements as follows:

Final Plat. The final plat shows one parcel for the project site. This site will be on one lot within the proposed final plat for the former Bentley Village (now Union Park) development. I have attached a copy of the proposed Union Park final plat for your reference. This proposed final plat creates several lots and outlots for development and would dedicate the right-of-way for Julia Avenue and for 5th Street North. The original project plans did not show the required 100-foot-wide street right-of-way for the north/south street (Julia Avenue) and any additional right-of-way along Hudson Boulevard that might be needed to accommodate the required turn lanes and public trail. The City should require the developer to include all necessary street right-of-way on the final plat as a condition of approval.

Density Analysis. The proposed development includes 300 dwelling units. The applicant’s data shows the site with a total of 20.36 acres (including right-of-way for Hudson Boulevard (2.23 acres)) and right-

of-way for the north/south road (1.12 acres) with no proposed parkland or arterial right-of-way and a 0.24 acre wetland. The calculation by the developer of net density for the site is as follows: 20.36 acre site – 0.24 acre wetland = 20.12 net acres. 300 units divided by 20.12 acres = 14.91 units per acre. The net project density as calculated by the developer is 14.91 units per acre.

However, the City calculates the site density in this case as follows: Site – 17.01 acres plus 0.56 acres (1/2 right-of-way for north/south road) – 0.24 acres (wetland) = 17.33 net acres. 300 units divided by 17.33 acres = 17.31 units per net acre. As noted above, this density would exceed the City's density requirements for residential development in the mixed use commercial land use designation of 15 unit units per acre. This is the maximum allowed density without any credit for an increase in density through bonuses the City may grant through the PUD process.

Proposed Unit Breakdown. The proposed number of dwelling units totals 300. The following table provides a breakdown of the proposed unit types and the number of units of each:

Unit Type	Number of Units
Studios	30
1-Bedroom	120
2-Bedroom	120
3-Bedroom	30

PUD – Overlay and Minimum Requirements.

Consistency with Planned Unit Development Regulations. 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, there is a proposed reduce building setback from the west property line and the proposed detached garage buildings are larger than the maximum-allowed 1,000 square feet in size.
- **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 not a typical, multi-story apartment building and instead proposes a townhouse design two stories in height with private, ground-level entrances to each unit.
 - 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 a pet playground, clubhouse and a swimming pool.
- 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 housing opportunities within the City, as there are currently very few multi-family residential buildings within the City.
- G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*
- The townhouse design will be compatible in design those of the nearby Savona townhomes and with the future Pulte townhomes to the north of the site.
- H. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
- The City may impose (and should use) such design guidelines on high density residential development such as this proposal. This also may include setting higher design standards for site amenities and design features such as landscaping, fencing, etc.
- **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 exceeds this requirement with a proposed 20.36 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 their project narrative that there will be 5.77 acres of open space with this development. This is 28 percent of the gross project site area including the pet area, green spaces 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 new north/south road connecting 5th Street to Hudson Blvd (Julia Avenue) meets this requirement. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated May 8, 2019 before submitting plans for a final plat and final PUD approval for this site.

Proposed PUD Amenities. The City's PUD ordinance provides that if developers provide amenities with their projects the City may increase density by up to 20 percent. In this case, because the applicant is proposing a housing density of 17.31 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 10-15 units per acre of the future MU-C land use designation. In addition, a PUD should include features or elements that meet the one or more of the City's identified objectives (as noted above). The PUD also should offer the City (and future residents) amenities in exchange for the flexibility of allowing a reduced setback to the westerly and north property lines, having more than one building on a parcel as well as allowing detached garages larger than 1,000 square feet.

As part of the City Council approval of the preliminary PUD/plat plans on June 18, 2019, they granted the developer approval to have up to 300 units with the requirement the developer include design amenities to receive the density bonus.

In this case, the developer noted on Pages 5 and 6 of their land use request narrative (and in Appendix A) the following site amenities they believe qualify for amenity points:

- *Contained Parking.* The purpose of this amenity is 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 façade or integrated into the site in some other fashion that is acceptable to the City. (5 points possible)

By proposing 162 garage spaces for its residents, the proposed development limits the amount of visible surface parking. The plans show some vehicle surface parking that would be visible from Hudson Boulevard and Julia Avenue, but much of the surface parking would be set behind the proposed buildings. This design reduces the amount of the surface parking that would be visible from the public rights-of-way adjacent to the site. (5 points)

- *Pedestrian Improvements.* By proposing a site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and /or around the 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 ADA accessibility requirements. (5 points possible)

In this case, the developer is proposing a series of trails and sidewalks in and around their site that will provide many places for pedestrians to move about without having to walk on the streets or on the driveways. Many of the proposed sidewalks provide access to the entrances to the individual units while other sidewalks allow for safer and easier pedestrian movement throughout the site. The City should require the developer to add a 5-foot-wide concrete sidewalk with ADA ramps at driveway crossings along the west side of the main entrance driveway. This sidewalk should run from the club house to Hudson Boulevard to help facilitate pedestrian movement to and from their site to the trail along Hudson Boulevard. However, if the City wants to award amenity points for these trails and sidewalks, then the City should not give the developer credit toward their park dedication fees for these same items.

- *Plaza.* The applicant is proposing a pool, an approximately 4,300 square foot club house (including a large gathering room, fitness center, a kitchen area, coffee bar and office space) and the pet play area (dog park) within the development. The clubhouse/pool area could serve as a plaza within this development as the PUD ordinance indicates that plazas are landscaped or paved open areas of a minimum of 1,000 square feet and wholly or partially enclosed by a building or buildings. The PUD ordinance requires that plazas within commercial or mixed-use development shall be open to the public during daylight hours. The PUD ordinance does not require that plazas within residential PUDs be open to the public. It also should also be noted that the proposed development is providing a dog park that Staff believes in and of itself warrants an additional amenity point. (5 points possible) (PC and staff recommended - 5 points)

- *Providing theming.* Significant use of various elements of theming consistent with the 2013 Lake Elmo Branding and Theming Project, including but not limited to signage, fencing, landscaping lighting and site furnishings. The City will award amenity points based upon the quality and magnitude of the Theming elements integrated into the project. (1-3 points possible)

For theming purposes, the applicant is proposing to create a well-designed lighting plan, including using City-standard light poles with banners to enhance the Julia Avenue corridor, add two benches along Julia Avenue and include an ornamental black metal fence around the edge of the project. (These are shown in the attachment labeled Appendix A – Theming Elements)

The City could award the developer amenity points for the use vehicular and pedestrian lighting in and around their site, increasing their landscaping and tree planting well above the minimums set by the Code, (especially along Hudson Boulevard), adding several benches within their site and using a white, post and rail style fence (instead of black decorative) around their site.

According the City Code, “Increases in density will be awarded through a 1:1 ration with amenity points. For every increase in amenity points, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of 20 percent.” Or put another way, 5 amenity points equals a 5 percent increase in density, 10 amenity points equals a density increase of 10 percent, etc. (each amenity point equals a density increase of one percent).

To have 300 units on the 17.33 net acre site (17.31 units per net acre), the City would need to approve enough amenity points to increase the allowed density an additional 2.31 units an acre ($17.31 - 15 = 2.31$ units per acre). 2.31 divided by 15 equals 0.154 (a 15.4 percent increase) above the 15 units per acre now allowed by the City. This means the development needs a total of 16 amenity points to meet their density of 300 units. Without any amenity points for increased density, the applicant would need to reduce the number of dwelling units in the development to a maximum of 260 units – a reduction in 40 units from the 300 units they are proposing.

AMENITY POINTS SUMMARY AND REVIEW

The Planning Commission, during their review of the proposal on May 13, 2019, considered the various proposed amenities and made recommendations about the points they thought the City should award for the amenities to justify increasing the project density. Their recommendations for amenity points were:

Right-of-way dedication – 10 points
 Contained parking – 5 points
 Plaza – 5 points

PC recommended total – 20 Points

The applicant, on Pages 5 and 6 in their latest project land use request narrative, suggests the City should award the proposal the following amenity points:

Contained parking – 5 points
 Pedestrian Improvements – 5 points
 Plaza – 5 points
 Theming Elements – 2 points

Applicant suggested total – 16- 17 points

The City Council approved the following amenity points for this proposal on June 18, 2019:

Contained parking – 5 points

Plaza – 5 points

Pedestrian Improvements – 5 points

Theming – 1-3 points possible (1 point minimum required)

City Council Total – 15 - 16 points

Staff Review (of original submittal):

In reviewing the proposed design amenities, staff is recommending the developer/applicant make several changes and additions to meet the City Code requirement of “significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming project.” They are:

1. Lighting: The developer is proposing to install two street lights along Julia Avenue. To receive credit for lighting, the City should require the developer to add one street and two pedestrian lights along Hudson Boulevard that meet City standards. The new street light would be next to the development entrance on Hudson Boulevard and the two pedestrian lights would be located between the street lights along the Hudson Boulevard trail.
2. Benches: The developer is proposing to install two benches along Julia Avenue – one near the intersection with Hudson Boulevard and the other would be near the emergency entrance/exit. Staff is recommending the applicant install a bench near the entrance to their site along the Hudson Boulevard Trail.
3. Fencing: The proposed 5-foot-tall black decorative fence does not meet the design criteria for fencing in this part of Lake Elmo as listed in the City’s Theming Study. The fence is to be a white post and rail fence to receive amenity points. As such, the City should not award amenity points for the proposed black, decorative fence
4. Landscaping: The City Code also allow the City to grant amenity points for developments that include a significant increase in landscaping above code requirements on their site – especially along public rights of way. Additional landscaping (above the minimum required by the Code) may not be possible within this development, however, because of the layout of the buildings, parking areas, driveways and storm water features.

On August 29, 2019, the applicant amended their request for amenity points by:

1. Dropping the fence element (as they want to install the black ornamental fence instead of the white post and rail fence required by the City).
2. Proposing to install a total of five street lights – two along Julia and three along Hudson Boulevard. They had originally proposed 2 street lights along Julia Avenue.
3. Proposing to install a total of 3 benches (instead of 2 benches) – 2 along Julia Avenue and adding a bench near their main entrance along the Hudson Boulevard trail.

The City will need to review the lighting plan for Julia Avenue and for Hudson Boulevard to ensure the proposed lights are consistent with the City expectations and design standards. The City typically requires developers to install street lights at intersections and at driveways - primarily for safety purposes. There may be a need for street lighting on both sides of Julia Avenue so the City will need to review and approve an overall street lighting plan for the area.

These proposed elements should meet the standards of the theming study but their exact design and placement shall be subject to City staff approval.

Summary: The addition of three lights (for a total of five lights) and another bench to the project area are the minimum additional design elements the City should require of the developer to have enough Theming points toward the total amenity points for the proposed increased density to allow 300 units for the Springs Apartments. The final design and placement of each of these items shall be subject to City staff approval.

Staff can memorialize these amenities within the findings of fact (on pages 16 and 17) and in the Resolution for action by the City Council.

Consistency with Proposed Urban High Density Zoning District. As noted earlier, the proposed development required City approval of a Zoning Map Amendment to rezone the property to Urban High Density Residential (from the current RT (rural development transition)) zoning designation. As such, staff reviewed the proposed PUD Plans against the standards including setbacks, impervious coverage, etc. of the Urban High Density Residential zoning district, as shown below.

Standard	Required	Proposed
Impervious Surface Maximum	75 percent	66 percent
Minimum Lot Area	1,800 square feet per unit	2,469 square feet per unit (average)
Minimum Lot Width	60 feet	1,085 feet on Hudson Blvd.
Front Yard Setback (Hudson Blvd)	20 feet	20 feet
Interior Side Yard	10 feet	55 feet
Corner Side Yard	15 feet	10 feet (to Julia Avenue)
Rear Yard Setback	20 feet	20 feet
Rear Yard Setback (Garages)	20 feet	10 feet (to north property line)
Accessory Building Setbacks	10 feet	15 feet
Maximum Building Height	50 feet	35 feet (to roof peak)
Detached Structures	1,000 square feet maximum	3,000 square feet
Parking	Not to be located in the front yard or between the front façade and street.	Parking is located in front of the proposed club house, though this parking lot design is consistent the design of parking lots for commercial/office buildings and would not be parking for the residential buildings on the site.
Open space	200 square feet of common open space provided per unit. In this case, at least 60,000 square feet.	251,449 square feet = 5.77 acres (830 square feet per unit)

Site Plan Review

Streets and Access. The proposed site plan shows a primary access driveway into the site from Hudson Boulevard. After their initial submittal, the applicant submitted a revised site plan showing the secondary site access (at least for emergency vehicles) moved from Hudson Boulevard to the planned north/south street (Julia Avenue) on the west side of the site. They made this change to the access based on early staff comments about the proposal. The new Julia Avenue is a planned public street connection between 5th Street North and Hudson Boulevard North. The developer should either construct the portion of the Julia Avenue adjacent to the development with a temporary turnaround on the north end or work with the existing property owner and the proposed development to the north (Union Park) to construct all of Julia Avenue to make a continuous street connection from 5th Street North to Hudson Boulevard North.

Issues with the proposed setbacks. The applicant is asking the City to approve a 10-foot side yard setback (instead of the required 15-foot setback) from the west property line for the buildings along Julia Avenue. The applicant notes that because of the 100-foot-wide right-of-way for Julia Avenue, they need the reduce setback to make their proposed site plan work.

The applicant also asking the City to approve a 10 foot setback (instead of 20 feet) for the detached garages from the north property line. They are making this request to help make the site grades and the storm water management work on their site to help ensure the garages do not flood and so the grades work for storm water emergency over flow.

Impervious Surfaces. As noted by the applicant in the project narrative and in the table above, the proposed plan is 66 percent impervious, well below the maximum impervious surface standard in the HDR zoning district of 75 percent.

Streets, Sidewalks and Trails. The City will be requiring the applicant to reconstruct Hudson Boulevard along the frontage of their site to an “Urban Section” (with curb and gutter, turn lanes and a bituminous trail along the north side of the road). The City also will be requiring the applicant to design and construct the north/south road (Julia Avenue) adjacent to their western property line from Hudson Boulevard north to Bentley Village. This road section will be in a 100-foot-wide right-of-way to accommodate drive lanes, a center turn lane, turn lanes, a bituminous trail on one side of the road and a concrete sidewalk on the other side. This right-of-way width and design is consistent with the City requirements for the new north/south road in the Bentley Village development to the north of the site.

The Comprehensive Plan’s Trail Plan shows a planned trail along the proposed north/south street that will be on the west side of the development. The latest proposed project plans show the future road with a trail and a sidewalk along the future north/south road. The City should require the developer to show the north/south road on all project plans and to install the planned trail(s) along Hudson Boulevard and along the north/south street and crosswalks with pedestrian ramps where needed as part of this development.



Within the development site itself, the developer will be constructing 4 and 5-foot-wide concrete sidewalks along the private driveways and between the buildings to provide pedestrian access throughout the site. As noted above, the City should require the applicant to extend the concrete side along the west side of their entrance drive to the trail along Hudson Boulevard.

Easements. The City will require the applicant to dedicate 10-foot-wide drainage and utility easements along all property lines and 30-foot wide drainage and utility easements centered over the watermain and fire hydrants internal to the Subdivision property, as they will become public infrastructure. The City also may require other easements as the applicant refines their project plans – especially in regards to the stormwater management system. This includes permanent easements for the wetland, wetland buffer proposed storm sewer running west of Julia Avenue (including the proposed infiltration basin) and for the proposed storm sewer running east of the site along the north side of Hudson Boulevard.

Architecture/Proposed Design. The proposed design of the development is a townhouse design with the residential buildings being two stories in height with private, ground-level entrances to each unit. The building elevations provide architectural interest with use of exterior accents, a large percentage of windows, and high quality materials including fiber cement board siding and stone masonry. The buildings create additional high architectural value with use of varied roof lines, and vertical and horizontal articulation. These features will give the buildings a more attractive appearance than buildings with flat facades and consistent or straight facades and roof lines. The proposed color palettes for the buildings include slate, gray, beige and browns. I have included several images of the proposed building elevations for your review.

The typical interiors of the units include dark wood colored cabinets, stainless steel appliances, granite countertops in all kitchens and wood laminate flooring. Select units will be upgraded to include enhanced finishes, painted access walls, granite countertops throughout, among other features.

Adherence to Lake Elmo Design Guidelines and Standards.

The proposed development adheres to 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.
- The trash enclosure is located away from most of the residential buildings.
- 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 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. 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 clubhouse or for the residential buildings.

Garages. The proposed plans include 120 attached garages and 7 detached garage buildings with 6 garage stalls in each building. There also is a proposed maintenance garage building for the residents to perform minor service to their vehicles and to wash their vehicles.

Wetland and Buffers. The site has a 0.4 acre wetland on the south side of the property along Hudson Boulevard. The applicant had proposed with the Concept Plan for the site to fill the entire wetland. The latest project plans show the applicant preserving much of the wetland and providing a 25-foot-wide buffer around the wetland on their site. The only filling of the wetland is the part along Hudson Boulevard to accommodate the City- required turn lane and trail on the north side of the road. The City requires the applicant to put easements on the final plat to accommodate the wetland and the wetland buffer.

Tree Removal, Preservation and Replacement. There is an area of about 300,000 square feet (6.9 acres) of tree cover on the site. The applicant provided a tree inventory that documented the significant or specimen trees on the property. They include several large spruce trees in the southeast corner of the site, along with elms, oaks, maples and aspen trees on the property. The proposed project would remove all the existing trees on the site.

Landscaping. The applicant has provided the City with an updated landscaping plan for the site. The City's Landscape Architect has reviewed these plans and found that they do not meet all City requirements. I have attached his review comments (dated July 30, 2019) for your review. He noted that the latest plans meet most of the City requirements but that the applicant is proposing to plant trees near proposed utility lines. The City prefers to have trees placed at least 10 feet from the nearest utility with a minimum separation of 5 five feet between any tree and a utility, including yard drains and storm sewer lines. He is recommending that the applicant revise the landscape layout to ensure there are no conflicts between the landscaping and utilities by having the trunk of trees be at least 5 feet (and preferably 10 feet) from the nearest utility. The City will require the applicant to revise the landscaping plans to meet or exceed the City's Landscape Requirements for the replanting of trees and for screening as a condition of approval.

Landscape Walls. The applicant is proposing several landscape (retaining) walls around much of the perimeter of the site. The proposed grading plans show these walls ranging in height from 3 feet to 12 feet. Any such wall that is taller than 4 feet requires a separate building permit from the City and must be designed by a licensed Minnesota engineer or architect.

Fencing. The applicant is proposing to install a 5-foot tall, black decorative fence along the Hudson Boulevard and Julia Avenue frontages of the site. However, along the north and east property lines of the site the applicant is proposing a 5-foot-tall chain link fence. The City should require the applicant to install the decorative fence around the entire site as part of the PUD approval for design consistency and to have a better looking feature that the neighboring property users and owners will see.

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.

Parkland Dedication. The Parks Commission reviewed the proposed development at its February 20, 2019 meeting. At that meeting they recommended that the developer pay the City cash in lieu of land dedication to meet the City's park dedication requirements. The proposed development does not propose a public park but does provide recreation for its residents through the club house, pool and open space. This area of Lake Elmo is already served by Savona Park.



The proposed development site (include road right-of-ways) consists of 17.57 acres, and the required parkland dedication for the Urban High Density Residential zoning district is 10%. The required amount of fees would be 10% of the fair market value of the property. This value is usually determined by the purchase price of the property, which has yet to be revealed to the City. If the purchase price is not available, then the City would consider using the appraised value of the property to determine the dollar amount of the contribution for parks as created by this development.

Subdivision Signs. Section 154.212(G) (1) (c) of the Zoning Code allows each residential subdivision to have one subdivision identification sign per entrance. The maximum size for subdivision identification sign is 32 square feet in area for the main entrance and a maximum sign area of 24 square feet per sign for all other locations.

The developer submitted a drawing for an entrance monument sign with the PUD plans that has 52.1 square feet of sign face. They will need to reduce the size of this sign to a maximum of 32 square feet of sign face to meet the City Code standards. Any signs would require a permit from the City.

Parking. The City's Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom units and at least one visitor space per four units. With the proposed mix of 300 units, the City Zoning Code requires the developer to provide at least 525 parking spaces on site. In this case, the developer is proposing a total of 562 parking spaces – including attached garage and detached garage spaces (163 total) and 399 surface parking spaces. The proposed plans include 17 parking spaces to the west of the main entrance drive aisle for the clubhouse. This computes to a unit parking ratio of 1.87 spaces per unit – above the 1.75 parking spaces per unit required by the City Code.

The proposed width and length of parking stalls is compliant with code, and the proposed width (estimated to be 24') is adequate for a 2-way drive aisle width according to the Zoning Code. Of these parking spaces, a total of 22 spaces are proposed to be Americans with Disabilities Act (ADA)-accessible. The ADA requires 2% of parking spaces totaling over 501 to be ADA-accessible, and so the proposed number of ADA parking spaces is compliant, provided they are built with adequate width and access aisle spacing.

Engineering Comments. The City Engineer has provided a detailed review memo (dated August 28, 2019) regarding the proposed Final Plat/Plans. I have attached this memo for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
 - *Hudson Boulevard Right-of-Way.* Additional right-of-way on Hudson Blvd must be dedicated to the City as needed to accommodate the Hudson Boulevard improvements, including turn lanes and a 10-foot-wide drainage and utility easement. The applicant must update the final plat and project plans to clearly identify both the existing and proposed Hudson Boulevard right-of-way to clearly depict the right-of-way dedication being granted along Hudson Boulevard.
 - *Hudson Boulevard Improvements.* Hudson Boulevard must be improved along the frontage of the proposed development in accordance with the Hudson Boulevard design Standards, with an Urban Section along the north boulevard and a bituminous trail. The developer will be required to construct right turn lanes at both the entrance to the proposed development and at the intersection with Julia Avenue and a left turn lane at the development entrance.
 - *Julia Avenue Improvements.* The developer must construct new north-south collector street (Julia Avenue) along the west side of the development, from Hudson Boulevard to the northerly plat line of the Springs of Lake Elmo. The new street shall be designed and constructed as an urban collector street consistent with City design standards and within a 100-foot-wide right-of-way, including a bituminous trail along one side and a concrete sidewalk along the other side.
 - *Julia Avenue Right-of-Way Dedication.* The Union Park final plat includes the right-of-way for Julia Avenue. As such, the final plat approval for the Springs of Lake Elmo must be contingent upon the owner or developer recording the final plat for Union Park (with the Julia Avenue right-of-way) at Washington County. The proposed perimeter fencing must be located outside of the 10-foot-wide drainage and utility easement.
 - *Site Access.* The proposed site plan proposes a single primary access to the site on Hudson Boulevard approximately 660 feet east of the proposed new north-south collector street. This proposed access spacing from the new collector street meets the City minimum spacing of 660 feet.
 - *Secondary/Emergency Access.* The latest site plan shows a secondary access to the new north-south collector street (Julia Avenue) and is called out as a proposed emergency access point.
 - *Perimeter Decorative Fence.* As shown, this fence encroaches the 10 foot utility easement, and so the fence location must be revised to preserve the City standard 10-foot-wide drainage and utility easement.
 - *Private Streets.* Private streets are proposed within the development that would remain privately owned and maintained. The interior street and driveway design may require revisions to ensure the adequacy of fire lanes and safety access.
- *Municipal Sanitary Sewer*
 - The plans include a sanitary sewer utility plan that proposes 300 REC units plus additional facilities such as a fitness center, swimming pool and a car care center.
 - Sanitary sewer is available to the site. The applicant or developer will be responsible for connecting to the City's 10-inch sanitary sewer system and extend sanitary sewer in to the property, including the replacement of about 250 feet of 8-inch sanitary sewer with 10-inch sanitary at the applicant's sole cost.
- *Municipal Water Supply*
 - The existing water system has sufficient capacity for domestic service for the proposed 300 REC units and additional facilities.
 - The watermain and hydrants in the Subdivision will be owned and maintained by the City.

- The applicant will be responsible to place fire hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- All watermain lines and fire hydrants placed within the development will require 30-foot-wide utility easements centered over the pipe. These easements must be dedicated to the City as part of the final plat.
- The northerly watermain connection to Union Park must be coordinated with the Union Park developer. The applicant or project engineer shall redesign this connection to minimize bends and fittings and to fully detail the proposed connection.
- *Stormwater Management*
 - The storm water management plan is not complete. The proposed development is subject the construction of a storm water management plan and system that meets State, Valley Branch Watershed District (VBWD), South Washington Watershed District (SWWD), and City rules. All stormwater facilities need to be designed and installed in accordance with City, VBWD and SWWD requirements. The storm water management plan must incorporate storm water management for the Hudson Boulevard and Julia Avenue Street improvements. The final plat shall be contingent upon the applicant obtaining the required storm water management permits and the proposed designs for meeting these rules being acceptable to the City.
 - The approval of the proposed final plat is contingent upon the storm water construction plans meeting the approval of the City. All required easements or Outlots for these facilities shall be dedicated to the City in an agreement or form acceptable to the City.
 - The proposed storm water facilities internal to the subdivision include several underground storage chambers and a storm water reuse irrigation system. These facilities will 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 a form acceptable to the City. This agreement must include a detailed maintenance plan and schedule for all the private storm sewer facilities.
 - Even as privately owned and maintained facilities, the City requires the developer to provide maintenance access roads or drives and benches that meet City engineering design standards for all storm water facilities, including any off-site storm water basins or storm sewer structures.

Julia Avenue Design. The City Engineer noted the City standards for this road in his comments. The developer's plans must include this road section with a design acceptable to the City Engineer.

Development Phasing/Grading Phasing. The project narrative notes that the developer intends to grade the entire site and install the public improvements in a single phase with each building gaining occupancy in sequential order starting with the Clubhouse. Their hope is start site work this fall (pending City approvals) with final completion of the entire development by the fall of 2021.

Valley Branch Watershed District Review. The developer has been revising and updating their project plans since the preliminary PUD approval to meet all the requirements of the watershed district. To this point the developer has not yet met all the requirements of the Watershed District. The applicant has told staff they are working toward completing and revising all the necessary project plans and specifications to get Watershed District approval.

Stormwater Management and Storm Sewer System Improvements. The proposed development site is in the Valley Branch Watershed District (VBWD). The applicant has chosen to direct storm water runoff from the public improvements for Julia Avenue and Hudson Boulevard to the SWWD. Therefore, the proposed project requires permits from the State (MPCA), VBWD, and SWWD, and must be

complaint with the City of Lake Elmo Storm Water Management Ordinance and the City of Lake Elmo design standards manual.

In his project review, the City Engineer noted the following:

The storm water facilities will be privately owned and maintained so no outlots will be required for the underground storm water facilities. The storm water management plan must incorporate storm water management for the Hudson Boulevard and Julia Avenue Street improvements.

The City will require drainage and utility easements over all 100-year high water level areas and to protect all overland emergency overflow paths.

The City Engineer's review memo further addresses the stormwater management considerations and requirements for this development.

Utilities – Municipal Water Supply and Municipal Sanitary Sewer. The City Engineer's review memo provides a review of the municipal sewer and water considerations for this development. Public water and sanitary sewer service are available in this area of Lake Elmo and the developer will be extending them into and through the site. He noted the following:

The applicant will be responsible for extending municipal water into the development at its sole cost and will be required to construct a looped watermain network with multiple connection points. This includes a connection to the future watermain in the Union Park development to the north.

The applicant will 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.

All utility plans will be subject to the final approval of the City Engineer.

Staff has reviewed the plans based on the assumption that the sanitary sewer extended internal to the site will be privately owned and maintained by the applicant.

Fire Chief Comments. The Fire Chief reviewed and commented on the preliminary project plans. He notes the developer will need to space and place fire hydrants in the development according to code and that access to the buildings must be maintained in all weather conditions. I have attached his comments for your reference.

RECOMMENDED FINDINGS:

Recommended Findings for Final Plat/Final PUD. Staff recommends approval of the Final Plat and Final PUD Plan for the Springs Apartments based on the following findings:

1. That if the 2040 Lake Elmo Comprehensive Plan Update and updated Land Use Map are approved in 2019, that the new land use designation for the site of the proposed planned development will be MU-C (mixed use commercial); and that the preliminary PUD Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the Final PUD Plan complies with the general intent of the Urban High Density Residential zoning district with PUD modifications.
3. That the Final Plat and Final PUD Plan generally complies with the City's Subdivision regulations.
4. That the Final PUD Plan must be revised to be consistent with the City's engineering standards as noted in the City Engineer's plat review memorandum dated August 28, 2019 and in his construction review memorandum dated September 6, 2019.
5. That the preliminary PUD Plan meets the minimum requirements for a PUD including minimum lot area, open space and street layout.

6. That the preliminary PUD Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.
7. 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 may include: right-of-way dedication, contained parking, pedestrian improvements, a plaza (gathering area) and the use of design elements consistent with the 2013 Lake Elmo Branding and Theming project.
8. That the Applicant's Final PUD plan provides the following amenities, for which the City may award amenity points:
 - a. Pedestrian improvements. (5 points)
 - b. Theming elements from the Lake Elmo Theming Study (1-2 points).
 - c. Plaza/gathering location (5 points).
 - d. Contained Parking (5 points)

FISCAL IMPACT:

There would be no fiscal impact to the City at this time, as the developer will be required to pay for any amendments needed to accommodate the increase in REC units. The Concept Plan approval did not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like that the developer and/or contractors will pay.

RECOMMENDATIONS:

Recommended Conditions of Approval. Staff is recommending that the Planning Commission recommend to the City Council approval of the requested Final Plat and Final PUD plans for the Springs Apartments on Hudson Boulevard subject to the following conditions:

1. That the Metropolitan Council give final approval of a City's 2040 Comprehensive Plan Update and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council. The City's final plat approval will be good for 120 days after the Met Council's approval of the City's 2040 Comprehensive Plan update or for 120 days after the City Council's approval of the final plat, whichever comes first.
2. That the developer or property owner for the Union Park development records the Union Park final plat to create the street rights-of-ways and the lot (proposed Outlot H) for this development.
3. That the Final Plat approval is contingent upon the City receiving separate drainage and utility easements, in the City's standard form of easement agreement for all temporary and off-site development improvements. The easements must be obtained and recorded before recording of final plat.
4. That the City approves a Zoning Map Amendment to rezone the site from RT (Rural Development Transitional) to HDR (Urban High Density Residential). **(Completed – subject to the final approvals of the 2040 Comprehensive Plan)**

5. That the final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.
6. That the applicant address all comments and conditions of approval in the City Engineer's plat review Memorandum dated August 28, 2019. The City will not release the final plat for recording until the City has granted approval of the construction plans.
7. That the final Plat and final PUD project and construction plans include a revised tree preservation/replanting and revised landscape plans to address all the comments and changes noted in the memo from the City's Landscape Architect dated July 30, 2019. The City's Landscape Architect must review and approve these revised plans before the City will release the final plat for recording or before the start of construction or grading.
8. That the final Plat and final PUD Plans include updated open space and impervious surface calculations.
9. That the final plat show a drainage and utility easement over the wetland and the wetland buffers, including the 100-year high water level.
9. That the developer or contractor install a bituminous trail along Hudson Boulevard and along the future north/south road (Julia Avenue) as part of this development.
10. That the applicant provide the City fees in lieu of park land dedication as required by Section 153.14 with the final plat.
11. That if the applicant wants amenity points for theming, that they provide the City for staff approval specific examples of proposed development fencing, landscaping, lighting and site furnishings, including the clubhouse, that will meet the standards outlined in the Lake Elmo Branding and Theming Study. The design and placement of these elements and features shall be subject to City staff approval.
12. That the final plat and final PUD Plans submittal include detailed architectural plans for the exterior of the buildings (including colors and a listing of all exterior materials) for staff review and approval. **(Complete)**
13. That the applicant receives a permit from the Valley Branch Watershed District and South Washington Watershed District for the construction of the proposed development. **(Pending)**
14. That the Final project plans shall 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. These plans also must incorporate storm water management for the Hudson Boulevard and Julia Avenue Street improvements including the future east bound left turn lane along Hudson Boulevard at Julia Avenue and must meet all City, VBWD and SWWD requirements. **(Pending)**
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 with the final plat.
16. That the final design and placement of each of theming design items (street lights, benches) shall be subject to City staff approval.
17. That the Final Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
18. That the PUD overlay zoning allow for the following:
 - a. Setbacks:

Springs Apartments at Lake Elmo Minimum Building Setbacks

Front (Hudson Blvd).	20 ft.
Interior Side	10 ft.

Corner Side (Julia Avenue)	10 ft.
Rear (north property line)	20 ft.
Rear (north property line – detached garages)	10 ft.

- b. Attached Garages: That the attached garages shall not exceed 1,000 sq. ft. in area at the ground floor level except by conditional use permit.
 - c. Detached Garages: That the detached garages shall not exceed 3,000 sq. ft. in area at the ground floor level.
19. The Final Plat shall include all necessary public right-of-way and easements for Hudson Boulevard and for the new north/south road (Julia Avenue North). **(Complete....pending the recording of Union Park final plat.)**
 20. Before the City issues any building permits, the developer shall delineate and identify all wetland buffers via staking, fencing and/or signage that is acceptable to the City.
 21. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts before the commencement of any grading or development activity on the site.
 22. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), MPCA, MDH, MnDOT, NPDES/SWPPP permits and Valley Branch Watershed District, and SWWD approval before starting any site grading or construction activities. **(Pending)**
 23. That 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 or grading. **(Pending)**
 24. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final PUD, site and building plans including the placement of buildings and fire hydrants, street and driveway design, parking and emergency vehicle access within the site.
 25. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, fences, retaining walls, buildings and storm water retention.
 26. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed locations of retaining walls, fences and accessory buildings and the required and proposed setbacks for each building site within the development.
 27. 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. The City must approve this plan before issuing a building permit for the development.
 28. 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. The proposed monument entrance sign submitted with the preliminary PUD plans is not approved as it exceeds the City size limit of 32 square feet.
 29. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement with the City. The Developer's Agreement must be approved by the City Attorney and by the City Council. Such Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore. **(Pending)**
 30. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat approval. The City shall review any grading plan that is submitted in advance of a final plat and said plan shall document extent of any proposed grading on the site.

31. That the applicant revise the site and project plans to show a five-foot-wide concrete sidewalk along the west side of the entrance driveway (with the necessary pedestrian ramps) connecting the Clubhouse to the trail along Hudson Boulevard. **(Completed)**
32. That the applicant shall submit revised 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 start of any clearing or grading or construction activity on the site.
33. That the City's final plat approval is good for 120 days from the date of City Council action, unless the applicant requests and the City Council approves a time extension.
34. That the applicant record the final plat with Washington County within 120 days of City Council approval (as required by the City Code).
35. That the maximum density shall not exceed 15 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.
36. That the applicant change the project plans to show a 5-foot-tall decorative fence around the entire site. The City does not approve the use of chain link fencing for this PUD.
37. 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.

RECOMMENDATIONS:

Staff is recommending that the Planning Commission recommend approval of the Final Plat and Final PUD Plans for the Springs Apartments to be located on Hudson Boulevard with the following motion (the City Council cannot give this development final approval until the Metropolitan Council approves the Lake Elmo 2040 Comprehensive Plan update):

“Move to recommend to the City Council approval of the final plat and final PUD Plans as requested by Continental 483 Fund LLC for PID# 34.029.21.43.0003 for the project to be known as the Springs Apartments located on the north side of Hudson Boulevard, subject to recommended findings and conditions of approval as listed in the staff report.”

ATTACHMENTS:

1. Project Land Use Narrative (6 pages)
2. 2 City Maps
3. Aerial Photo 2
4. Overall Plan and Revised Site Plan
5. Proposed Union Park Final Plat
6. Proposed Springs at Lake Elmo Final Plat (3 pages)
7. Project Plans (#21654)
8. Proposed Building Elevations
9. City Engineer's comments dated August 28, 2019
10. Landscape Architect comments dated July 30, 2019
11. Revised Site/Storm Sewer Plan dated August 30, 2019
12. June 18, 2019 City Council minutes
13. Proposed Theming Elements (Appendix A)

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LAND USE REQUEST

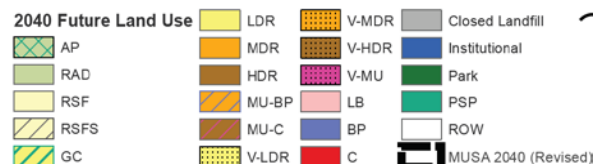
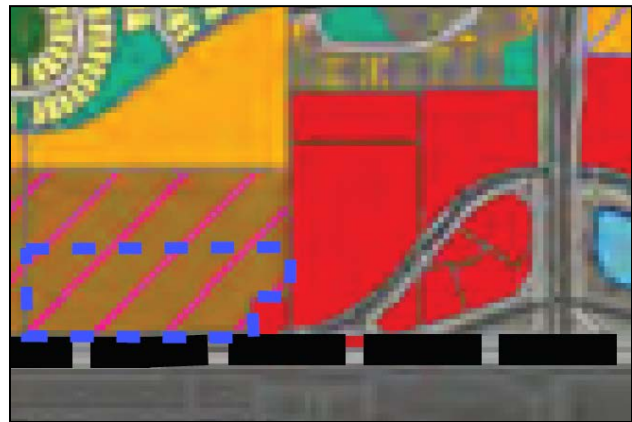
Continental 483 Fund LLC ("Continental") formally requests consideration of a Final Plat/PUD application for its proposed Springs at Lake Elmo (the "Springs") from the City of Lake Elmo. The proposed site for the Springs apartment community is generally located west of Keats Avenue on the north side of Hudson Boulevard, as shown on the enclosed site plan. Continental proposes an up-scale, market-rate apartment community on the 17.63-acre site (17.01 acres excluding right of way), see enclosed Density Exhibit.

The Springs includes 300 homes within 15 residential buildings. The buildings will offer a townhouse design featuring two stories with private, ground-level entrances to each unit. Residents will have a choice between attached, direct-access garages, detached garages and ample surface parking to best fit their needs. There will be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units, as broken down in the chart to the right.

HOME TYPE	NUMBER OF HOMES
STUDIO	30
1-BEDROOM	120
2-BEDROOM	120
3-BEDROOM	30

The proposed land use is consistent with the 2040 Comprehensive Plan Future Land Use designation of Mixed Use-Commercial (MU-C). The subject site requires a rezoning from Rural Development Transitional (RT) to Urban High Density Planned Unit Development (HDR-PUD). The Future Land Use designation of MU-C allows for residential densities up to 15 units per acre; with greater densities allowed through the PUD process. Continental's request proposes a density of 17.02 du/acre gross and 17.34 du/acre net (excluding onsite predevelopment wetland area). The proposed project density will require the incorporation of site amenity points to achieve a density increase from the base MU-C density maximum. The proposed density bonus amenity points are outlined in detail on Page 5.

A PUD is necessary to have more than one principal building per parcel of land. Continental's proposal meets or exceeds the criteria of the base HDR zoning district, with the exception of the interior corner building setback and the size of the detached garages (see Dimensional Standards on page 4). Additionally, the Springs will be a high-quality apartment community that is compatible in architecture and scale to existing land uses. Continental would like the opportunity to provide a unique, upscale rental housing option in this very fitting location to support Lake Elmo's growth.



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Continental has reached a private agreement with the current land owner to design and construct Julia Avenue North. The new connector road will be complete prior to completion of the Springs community. The City of Lake Elmo has determined the necessary width of the Julia Avenue right of way is to be 100' instead of the originally planned 80'. Continental requires a reduced setback on that frontage in order to accommodate the City's requirement for the additional right of way area.

Continental has received approval for a partial fill of the existing wetland from the Valley Branch Watershed District. The project has gone through a number of site plan revisions in order to minimize the impact to the wetland. However, a portion of the wetland will need to be impacted in order to provide the multiuse bituminous trail required by the City. The existing wetland is approximately 0.4 acres and the remaining area after the impact is 0.24 acres. A 25' minimum wetland buffer will be maintained around the remaining portion of the wetland, apart from the required trail on the south side along Hudson Blvd.

The proposed Springs community is anticipated to break ground in late summer of 2019, pending municipal approvals. Construction is to be completed in a single phase with each building gaining occupancy in sequential order starting with the Clubhouse. All public improvements will occur with initial sitework early in the project. Occupancy of the Clubhouse is expected in Spring of 2020, with the residential buildings coming online every 2-3 weeks thereafter and final completion of the community to be achieved by late summer of 2021.

In accordance with the approved Preliminary PUD and the submitted engineering plans, elevations, sign package and associated documents, the following is a list of the project standards to be considered as a part of the Final PUD:

- Architectural Standards:
 - Maximum 2 stories or 35' to top of roof peak
 - Minimum 25' principal building separation
 - Exterior Materials:
 - Mix of stone masonry and fiber cement siding on all four facades of the primary buildings.
 - The percentage of each material will be provided as shown in the enclosed elevations.



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- Resident amenities to include:
 - Minimum 4,000 sf clubhouse
 - Pool with outdoor seating
 - Grill area
 - Fitness center
 - Pet playground
 - Car care center with
 - Pet Spa
- Signage:
 - 3 illuminated clubhouse tower building signs
 - Maximum of 20 SF each
 - 1 illuminated double faced monument sign with electronic reader board
 - Sign to be setback from property line a minimum of 5'
 - Gross sign area may be 60 SF per side maximum (sign area plus electronic reader board)
 - Maximum 12' tall from adjacent grade
- Accessory Structures:
 - The design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to and compatible with the main building.
 - The structure shall meet the required yard setbacks for a principal structures.
 - Detached garages shall not exceed 3,000 square feet at ground floor level and shall not exceed a height of 22 feet.
- Overall Parking Standards:
 - Parking will meet the City Ordinance.



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- Dimensional Standards:

PROPOSED SPRINGS DEVELOPMENT	
MINIMUM LOT AREA	17.01 acres (2,469 sf/unit)
OPEN SPACE REQUIREMENT	830 sf / unit (251,449 sf = 5.772 ac)
BUILDING SETBACK- FRONT (Hudson Blvd)	20'
BUILDING SETBACK- REAR	20'
BUILDING SETBACK- CORNER SIDE (Julia Ave N)	10'
BUILDING SETBACK- INTERIOR SIDE	10'
BUILDING HEIGHT	2 stories - 32'
BUILDING HEIGHT-CLUBHOUSE	32'
LOT COVERAGE	66% (489,765 sf = 11.243 ac)
DENSITY	17.02 du/ac (gross) 17.34 du/ac (net)
BUILDING SEPARATION	30' min.
PARKING	1.75 spaces / unit
GARAGE PARKING	163 spaces (.54 / unit)
DETACHED STRUCTURES	3,000 SF
LANDSCAPING	Meets
LIGHTING	Meets

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Density Bonus Calculation

The Planned Unit Development (PUD) being proposed by Continental 483 Fund LLC is formally seeking an increase of 18 points (18%) in the *Amenity Points and Equivalent Density Increase* system for its residential development. The increased density has been previously approved through the Preliminary PUD process for the following site amenities:

Contained Parking (5 Points)

The Springs at Lake Elmo has made a conscientious effort to creatively integrate parking into the site and reduce the number of visible surface parking stalls from the public right-of-way. This has been achieved by rear-loading the parking stalls throughout the project and by using the principal and accessory structures to block the public's view of those stalls.

Pedestrian Improvements (5 Points)

The Springs at Lake Elmo will serve as a critical component in expanding the Lake Elmo trail system, ultimately contributing to a greater quality of life in Lake Elmo. The project will offer improvements on Hudson Boulevard and the future Julia Avenue North. Beyond resident amenities and high-quality finishes, a sense of place is created for the community through a thoughtfully designed site plan. Ample open space, landscaping, courtyards, and pedestrian connectivity throughout will foster neighbor interaction and contribute to place making in Lake Elmo. The development will support pedestrian and bicycle access by connecting and constructing a new 8' wide trail, and will provide ADA connection to the right-of-way designed to the specifications of the Hudson Boulevard and Julia Avenue North design guidelines.

Plaza (5 Points)

The Springs at Lake Elmo understands the importance of connecting communities, which is why the 4,340 square foot clubhouse and pool ("plaza") will serve as a gathering space for Springs residents and provide opportunities for community outreach events hosted by the onsite operations team.

Theming (1-3 Points)

The Springs at Lake Elmo proposal achieves three (3) amenity points under the *Amenity Points and Equivalent Density Increase* system by capturing the intent of the Lake Elmo Branding and Theming study through considerate investment in the Julia Avenue North streetscape. Continental commits to work with staff to create a well-designed lighting plan, including City standard light poles with community identifying banners to enhancing the corridor. Additionally, The Springs at Lake Elmo will integrate two timeless-style benches comprised of cast aluminum and a durable powder-coated finish and wood seat along the Eastern portion of Julia Avenue North. Further, the project will include an ornamental metal fence around the edge of the project to keep in character with the historic style of the site furnishings and light poles in the area.

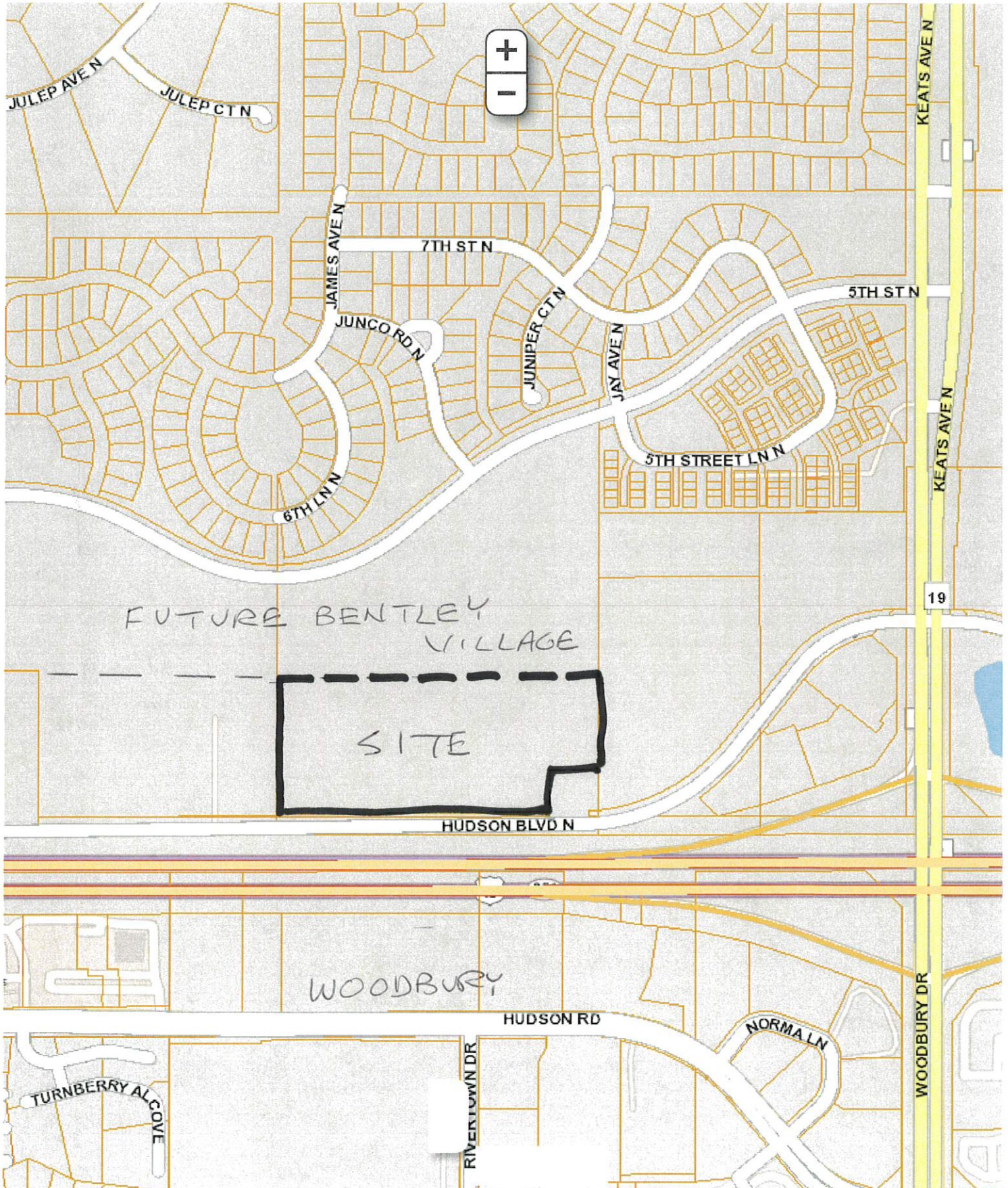


Conclusion

The Springs at Lake Elmo is requesting a density increase through the *Amenity Points and Equivalent Density Increase* system for 18 allowable points (18%). The development will provide a smooth transition from the existing single family and townhome developments to the north and the higher intensity retail corridor along I-94. Ultimately, the project will serve as an important community destination and catalyst for the City's future. The high quality, amenity-driven Springs at Lake Elmo project will set a precedent for multifamily developments for years to come and will produce a significant public benefit in Lake Elmo.

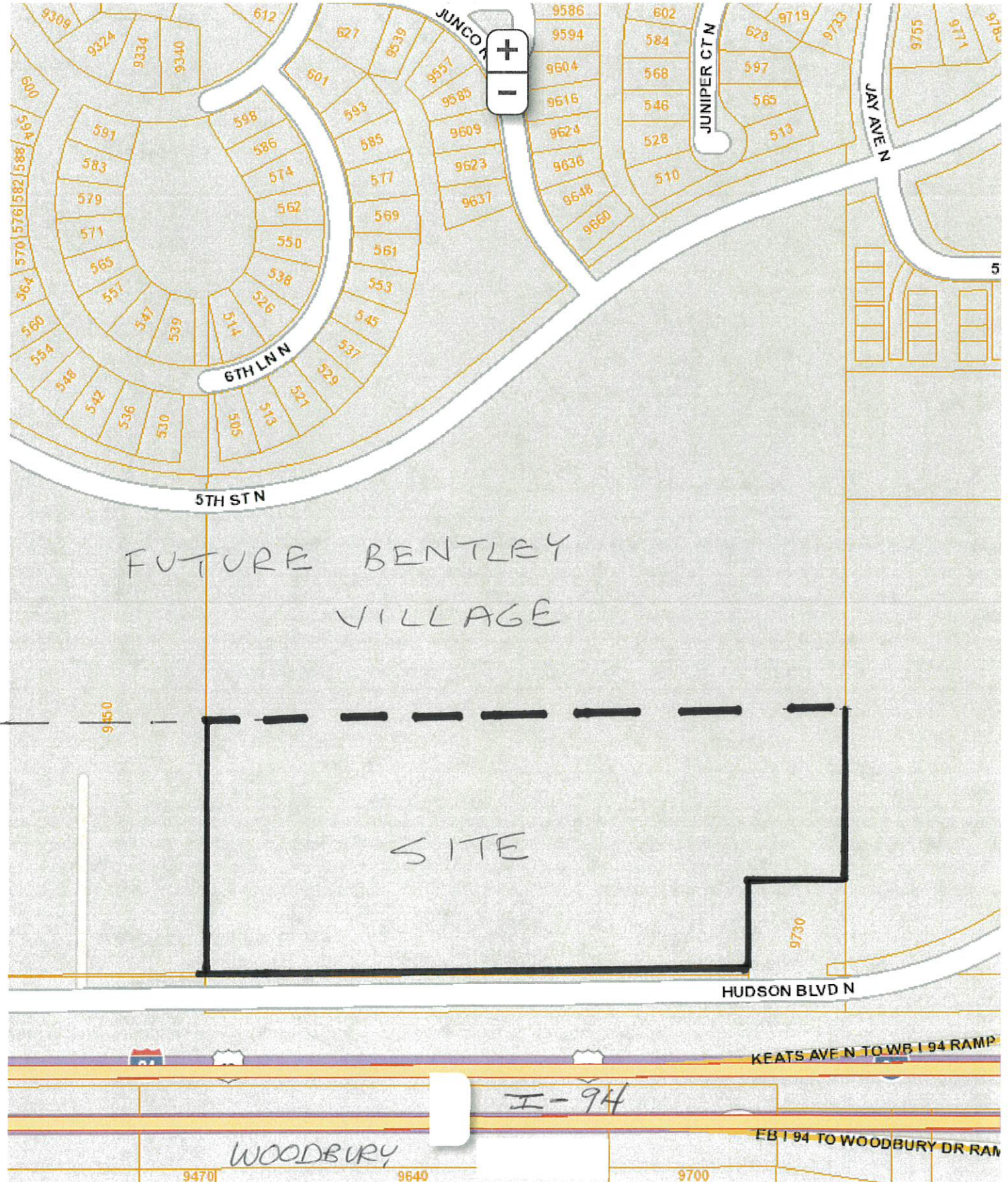


Property Viewer

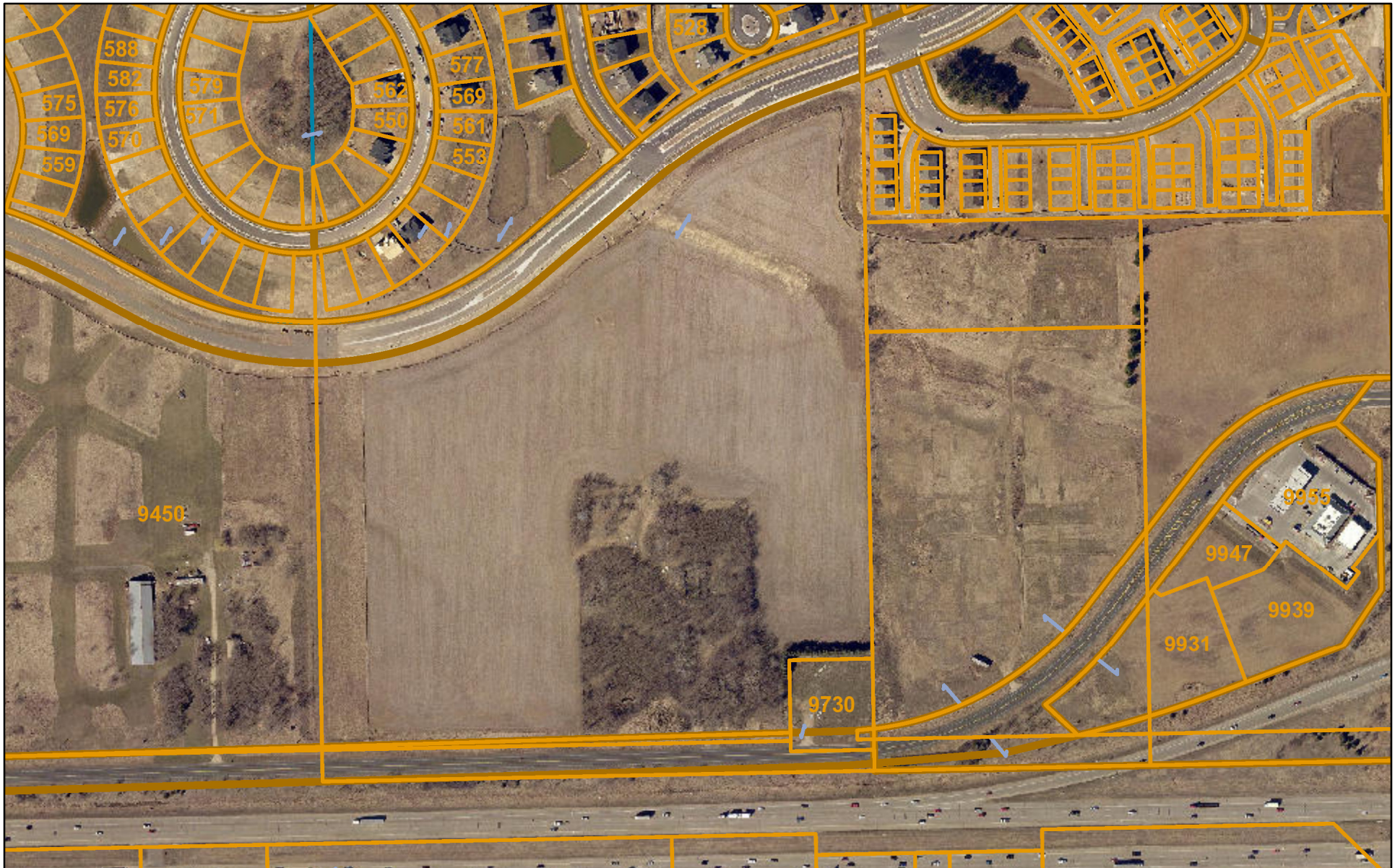




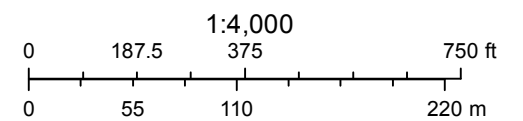
Property Viewer

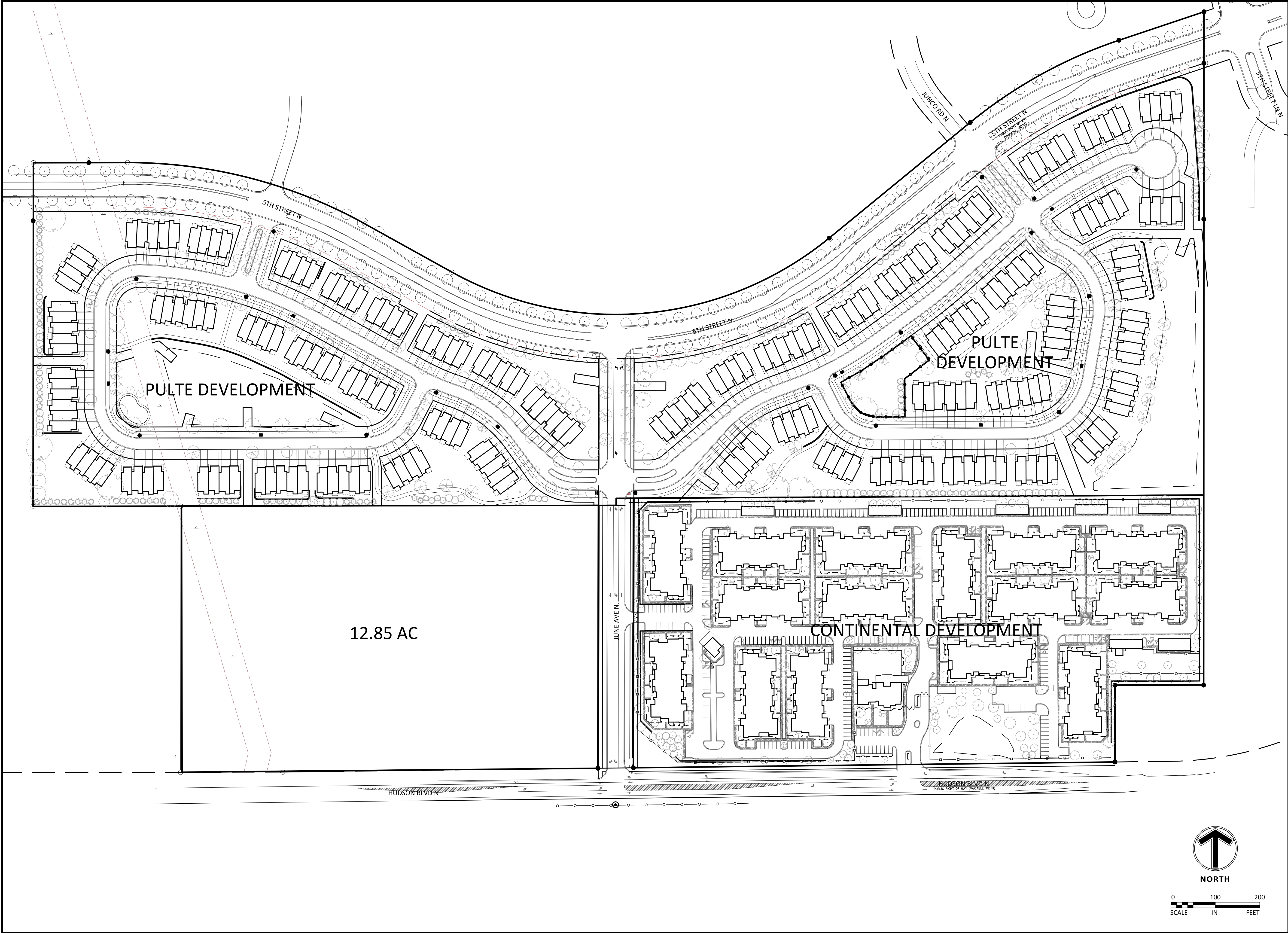


Washington County, MN



January 24, 2019





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Engineering | Surveying | Planning | Environmental

Client
CONTINENTAL
483 FUND LLC

W134 N8675 EXECUTIVE PARKWAY
MENOMONEE FALLS, WI 53051

Project
SPRINGS AT
LAKE ELMO

Location
LAKE ELMO,
MINNESOTA
9955 HUDSON BOULEVARD NORTH

Certification

PRELIMINARY

Summary
Designed: EAV Drawn: CIL
Approved: EAV Book / Page:
Phase: PRELIMINARY Initial Issue: 4/12/2019

Revision History
No. Date By Submittal / Revision
4/12/2019 CITY SUBMITTAL
5/1/2019 CITY PRELIMINARY
RESUBMITTAL

Sheet Title
OVERALL
DEVELOPMENT
PLAN

Sheet No. Revision
C2.06

Project No. 21654

Client
CONTINENTAL
483 FUND LLC

W134 N8675 EXECUTIVE PARKWAY
MENOMONEE FALLS, WI 53051

Project
SPRINGS AT
LAKE ELMO

Location
LAKE ELMO,
MINNESOTA
9955 HUDSON BOULEVARD NORTH

Certification

I hereby certify that this plan, specification 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.

Eric A. Vogel
Registration No. 14 Date: 4/12/2019

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: EAV Drawn: CIL
Approved: EAV Book / Page:
Phase: PRELIMINARY Initial Issue: 4/12/2019

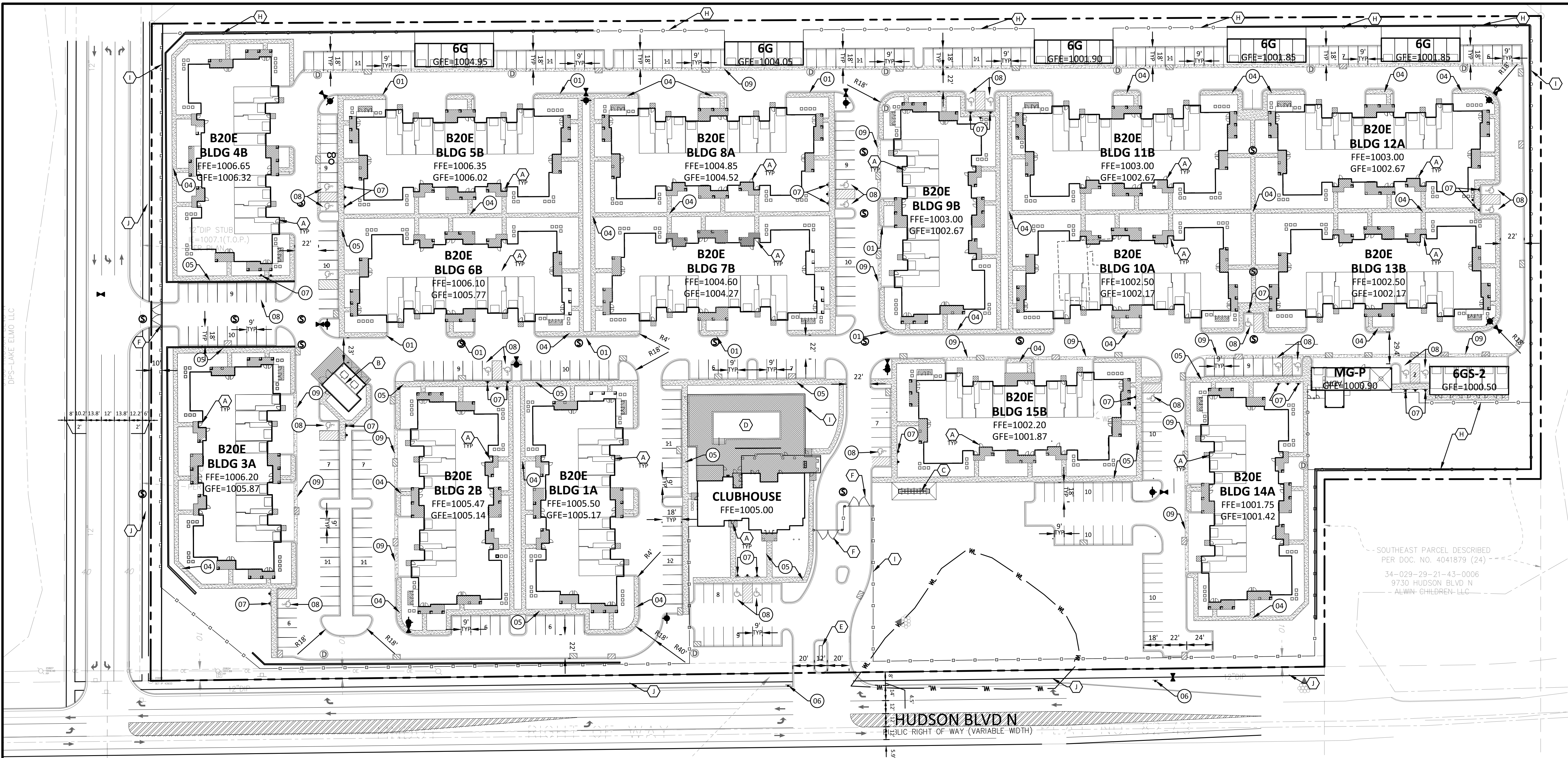
Revision History

No.	Date By	Submittal / Revision
4/12/2019		CITY SUBMITTAL
5/1/2019		CITY PRELIMINARY RESUBMITTAL

Sheet Title
SITE PLAN

Sheet No. **Revision**
C3.01

Project No. **21654**



LEGEND			
PROPERTY LIMIT	PROPOSED	EXISTING	
CURB & GUTTER	---	---	
EASEMENT	---	---	
BUILDING	---	---	
RETAINING WALL	---	---	
WETLAND LIMITS	---	---	
TREELINE	---	---	
SAWCUT LINE	---	---	
SIGN	---	---	
PIPE BOLLARD	---	---	
NUMBER OF PARKING STALLS PER ROW	XX	XX	
KEY NOTE	XX	XX	
DETAIL	XX	XX	
CHAIN LINK FENCE	---	---	
DECORATIVE WOODEN FENCE	---	---	
AIR CONDITIONING UNIT	---	---	

DEVELOPMENT SUMMARY			
AREA GROSS SITE AREA	741,214 SF	17.02 AC	
BUILDING INFORMATION	QUANTITY	HEIGHT	
B20E (20 DU/BUILDING)	15 UNITS	2-STORY / 35'	
TOTAL RESIDENT BUILDINGS	15 UNITS	15 UNITS	
GENERAL HOME MIX	HOMES	PERCENTAGE	
1-BEDROOM	30	10%	
2-BEDROOM	120	40%	
3-BEDROOM	120	40%	
TOTAL HOMES	300	100%	
ZONING	RURAL DEVELOPMENT TRANSITIONAL		
EXISTING ZONING	URBAN HIGH-DENSITY PLANNED UNIT (HDR.PUD)		
PROPOSED ZONING			
PARKING INFORMATION			
GARAGE TOTALS:			
NUMBER OF ATTACHED MAINTENANCE GARAGES	120 GARAGES		
NUMBER OF STAND ALONE GARAGES	42 GARAGES		
TOTAL GARAGE	163 GARAGES		
PARKING REQUIRED PER CODE	525 SPACES		
SURFACE PARKING AMOUNT	399 SPACES		
TOTAL PARKING PROVIDED	562 SPACES		
UNIT PARKING RATIO	1.87		
COVERED PARKING RATIO	0.29		
CLUBHOUSE PARKING	17 SPACES		
*INCLUDED IN PARKING CALCS	(24 ADA)		

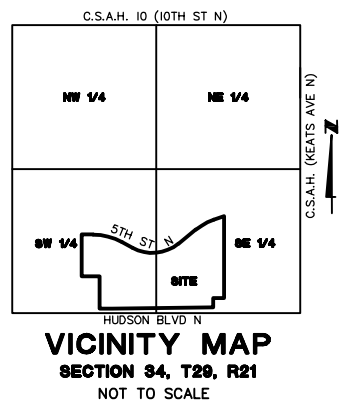
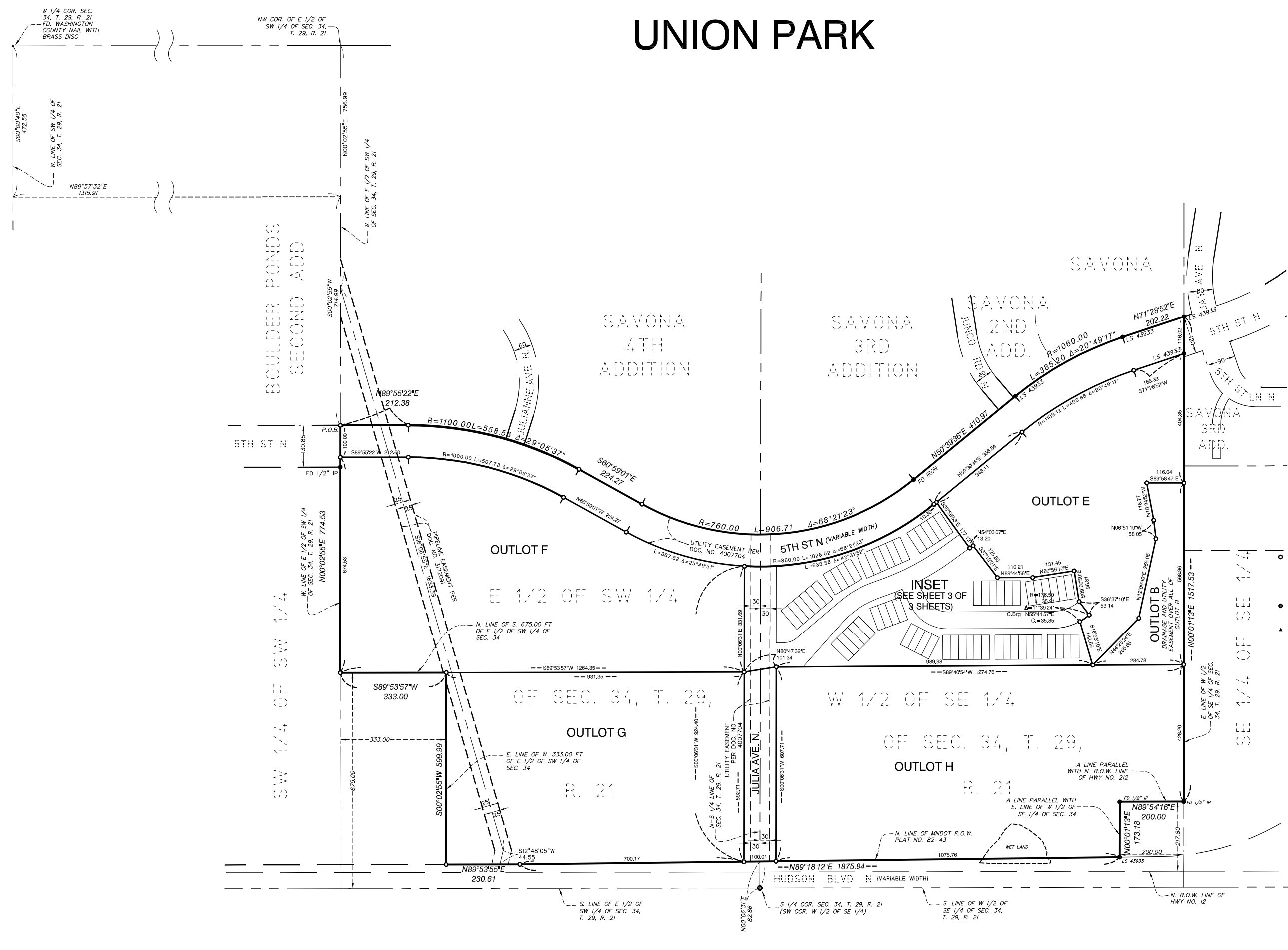
- DEVELOPMENT NOTES**
- ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.
 - ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "GUTTER OUT" WHERE WATER DRAINS AWAY FROM CURB. ALL OTHER AREAS SHALL BE CONSTRUCTED AS "GUTTER IN" CURB. COORDINATE WITH GRADING CONTRACTOR.
 - ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
 - ALL PARKING STALLS TO BE 9' IN WIDTH AND 18' IN LENGTH UNLESS OTHERWISE INDICATED.
 - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXIT PORCHES, RAMPS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 - SEE ARCHITECTURAL PLANS FOR LIGHT POLE FOUNDATION DETAIL AND FOR EXACT LOCATIONS OF LIGHT POLE.
 - REFER TO FINAL PLAT FOR LOT BOUNDARIES, LOT NUMBERS, LOT AREAS, AND LOT DIMENSIONS.
 - ALL GRADIENTS ON SIDEWALKS ALONG THE ADA ROUTE SHALL HAVE A MAXIMUM LONGITUDINAL SLOPE OF 5% (1:20), EXCEPT AT CURB RAMPS (1:12), AND A MAXIMUM CROSS SLOPE OF 2.08% (1:48). THE MAXIMUM SLOPE IN ANY DIRECTION ON AN ADA PARKING STALL OR ACCESS AISLE SHALL BE 2.08% (1:48). THE CONTRACTOR SHALL REVIEW AND VERIFY THE GRADIENT IN THE FIELD ALONG THE ADA ROUTES PRIOR TO PLACING CONCRETE OR BITUMINOUS PAVEMENT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF THERE IS A DISCREPANCY BETWEEN THE GRADIENT IN THE FIELD VERSUS THE DESIGN GRADIENT AND COORDINATE WITH GRADING CONTRACTOR.
 - "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

- KEY NOTES**
- (A) BUILDING, STOODS, STAIRS SEE ARCHITECTURAL PLANS
 - (B) TRASH/RECYCLING PICKUP AREA - SEE ARCHITECTURAL PLANS
 - (C) MAIL KIOSK - SEE ARCHITECTURAL PLANS
 - (D) POOL - SEE ARCHITECTURAL PLANS
 - (E) MONUMENT SIGN - SEE ARCHITECTURAL PLANS
 - (F) VEHICLE GATE - SEE ARCHITECTURAL PLANS
 - (G) TRANSFORMER - LOCATION TBD
 - (H) CHAIN LINK FENCE - SEE ARCHITECTURAL PLANS
 - (I) DECORATIVE WOODEN FENCE - SEE ARCHITECTURAL PLANS
 - (J) BITUMINOUS PATH
- DETAILS**
- (01) 8-612 CONCRETE CURB AND GUTTER - SEE SHEET C9.01
 - (02) 8-618 CONCRETE CURB AND GUTTER - SEE SHEET C9.01
 - (03) TAPERED CURB - SEE SHEET C9.01
 - (04) 4' SIDEWALK - SEE SHEET C9.01
 - (05) 5' SIDEWALK - SEE SHEET C9.01
 - (06) STOP SIGN - SEE SHEET C9.01
 - (07) ACCESSIBLE PARKING SIGN - SEE SHEET C9.01
 - (08) ACCESSIBLE PARKING STALL - SEE SHEET C9.01
 - (09) VALLEY GUTTER - SEE SHEET C9.01

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOMHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

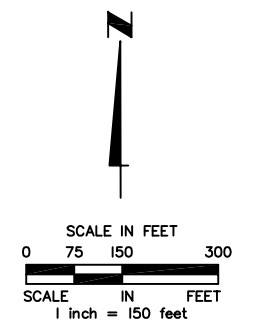
IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

UNION PARK



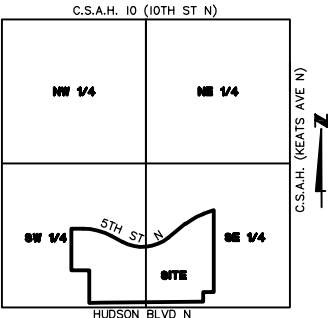
- DENOTES SET, 1/2 INCH BY 14 INCH IRON PIPE WITH PLASTIC CAP INSCRIBED ALLIANT LS 18425. THESE MONUMENTS WILL BE PLACED IN THE GROUND AS SHOWN WITHIN ONE YEAR AFTER THE RECORDING DATE OF THIS PLAT.
- DENOTES FOUND, 1/2 INCH BY 14 INCH, IRON PIPE WITH PLASTIC CAP INSCRIBED LS
- ▲ DENOTES FOUND MAG NAIL.

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD83 (1986).

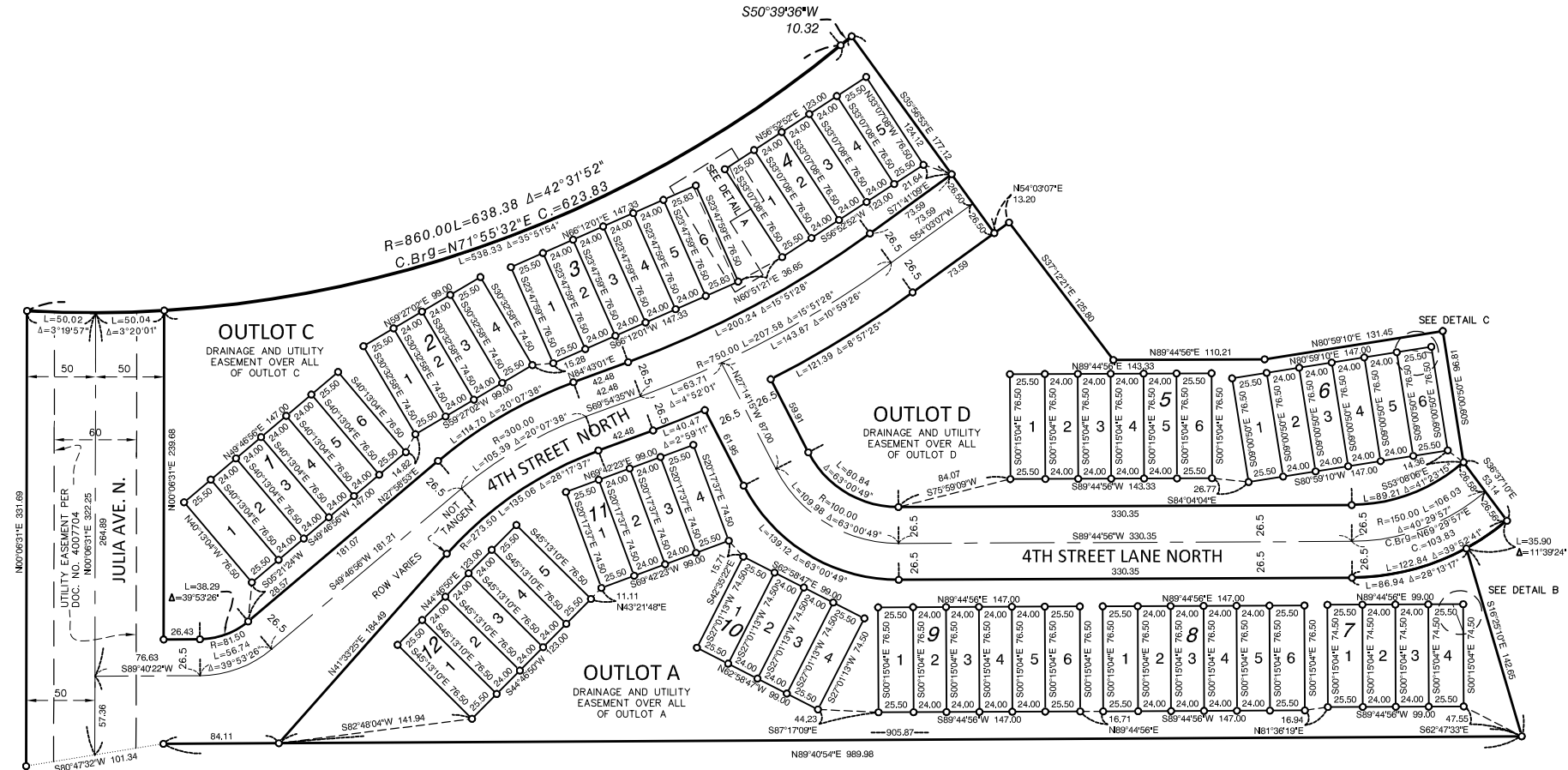


UNION PARK

INSET



VICINITY MAP
SECTION 34, T29, R21
NOT TO SCALE

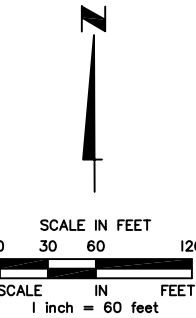
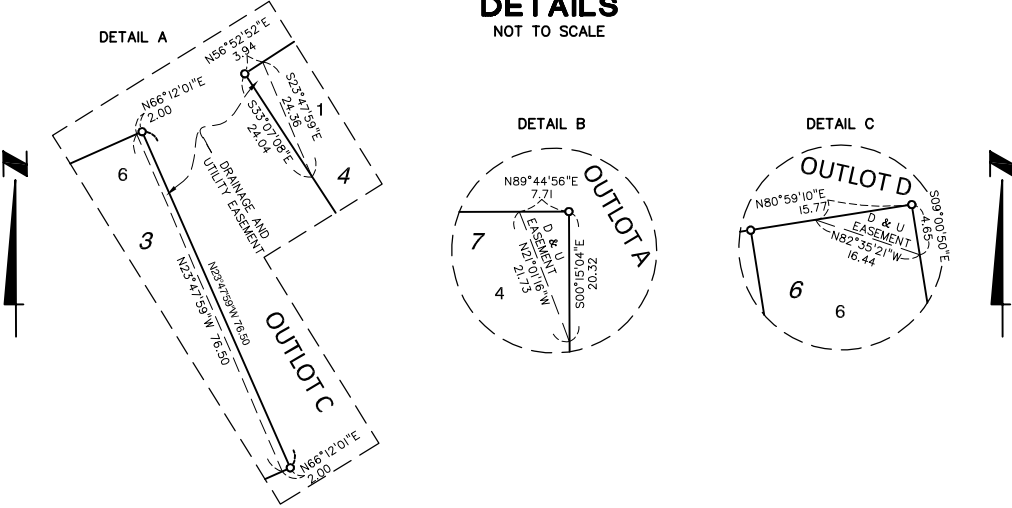


- DENOTES SET, 1/2 INCH BY 14 INCH IRON PIPE WITH PLASTIC CAP INSCRIBED ALLIANT LS 18425. THESE MONUMENTS WILL BE PLACED IN THE GROUND AS SHOWN WITHIN ONE YEAR AFTER THE RECORDING DATE OF THIS PLAT.
- DENOTES FOUND, 1/2 INCH BY 14 INCH, IRON PIPE WITH PLASTIC CAP INSCRIBED LS _____

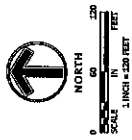
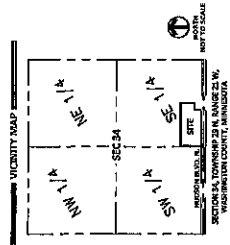
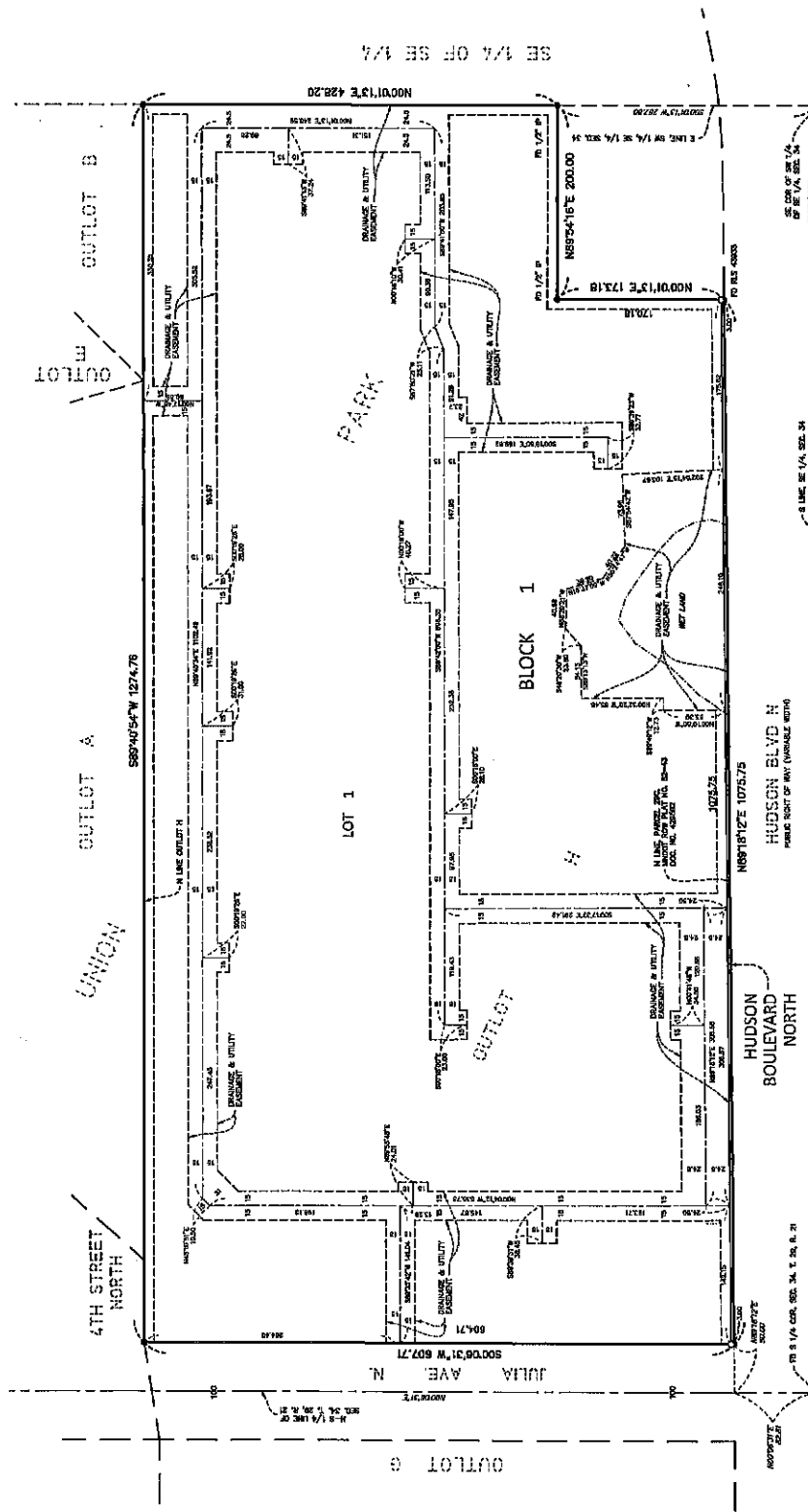
THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD83 (1986).

DETAILS

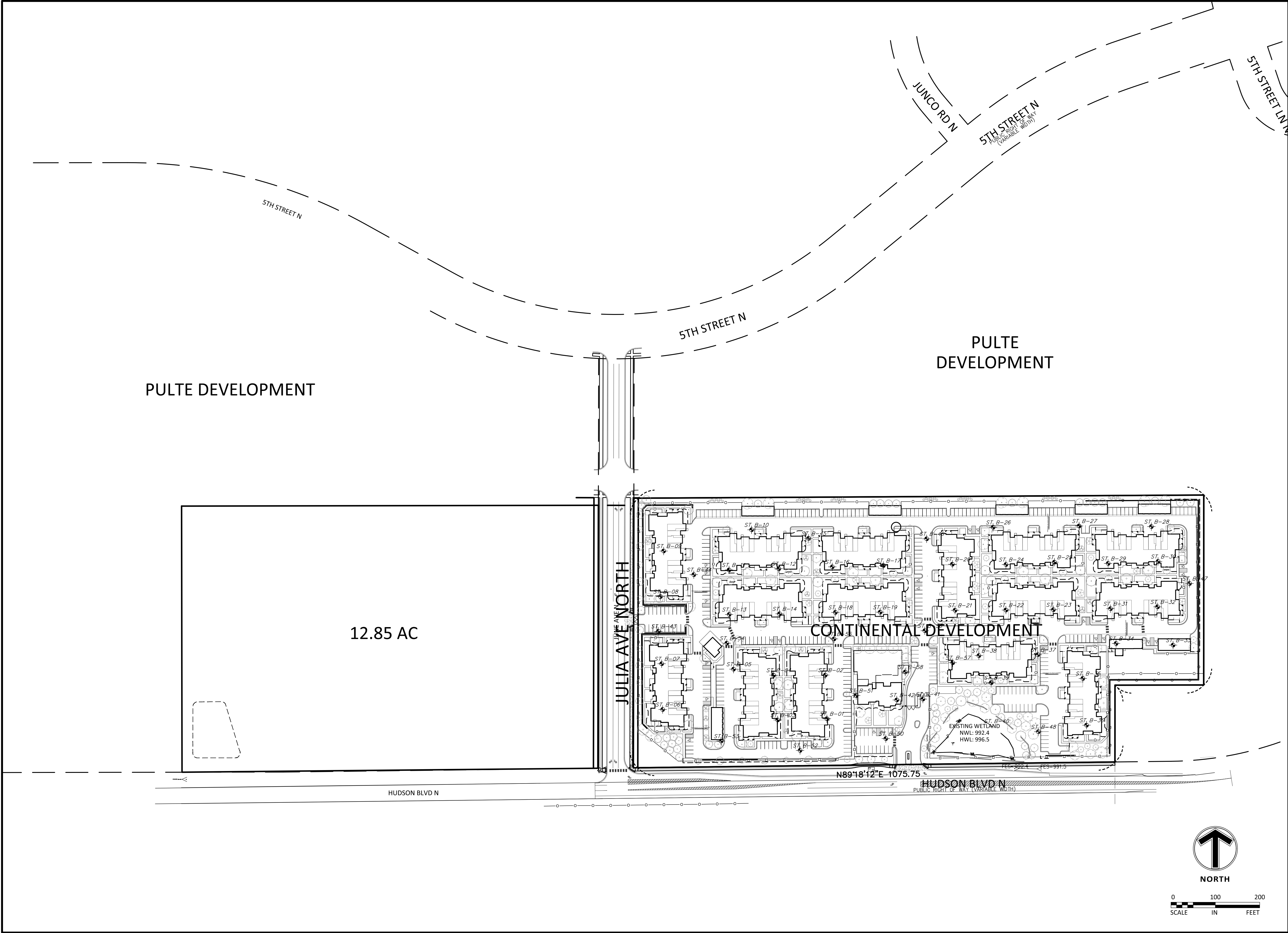
NOT TO SCALE



SPRINGS AT LAKE ELMO



- DENOTES 1/2 INCH BY 1/2 INCH MONUMENT SET AND MARKED BY LICENSED L.S. 4550.
- DENOTES 1/2 INCH BY 1/2 INCH MONUMENT SET AND MARKED BY LICENSED L.S. 4550.
- DENOTES 1/2 INCH BY 1/2 INCH MONUMENT SET AND MARKED BY LICENSED L.S. 4550.
- DENOTES 1/2 INCH BY 1/2 INCH MONUMENT SET AND MARKED BY LICENSED L.S. 4550.



Client
CONTINENTAL
483 FUND LLC

W134 N8675 EXECUTIVE PARKWAY
MENOMONEE FALLS, WI 53051

Project
SPRINGS AT
LAKE ELMO

Location
LAKE ELMO,
MINNESOTA
9955 HUDSON BOULEVARD NORTH

Certification

Summary

Designed: JEB Drawn: CIL
Approved: ETL Book / Page:
Phase: FINAL Initial Issue: 4/12/2019

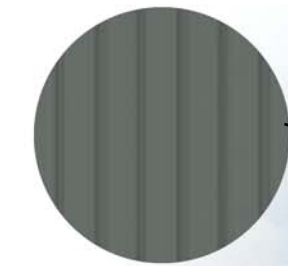
Revision History

No.	Date	By	Submittal / Revision
4/12/2019			CITY SUBMITTAL
5/1/2019			CITY PRELIMINARY RESUBMITTAL
6/11/2019			BID SET
7/26/2019			CITY SUBMITTAL

Sheet Title
OVERALL
DEVELOPMENT
PLAN

Sheet No. Revision
C2.06

Project No. 21654



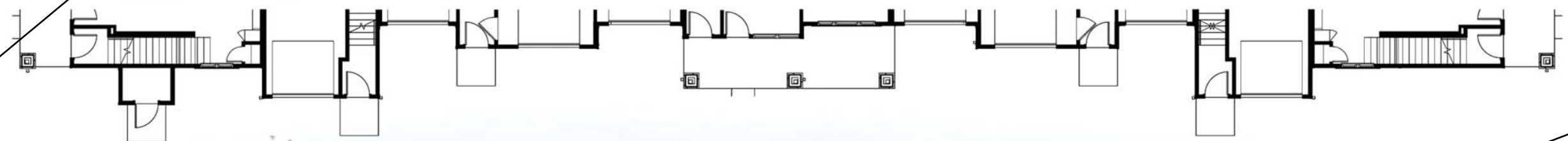
Board and Batten
"Slate Tile"
SW 7624



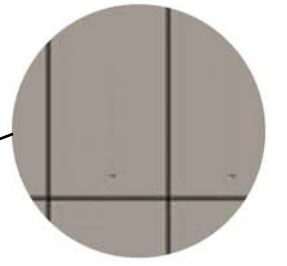
Stone
"Texas Rubble"
Coronado CT501



Front Elevation
SCALE: 1/16"=1'-0"



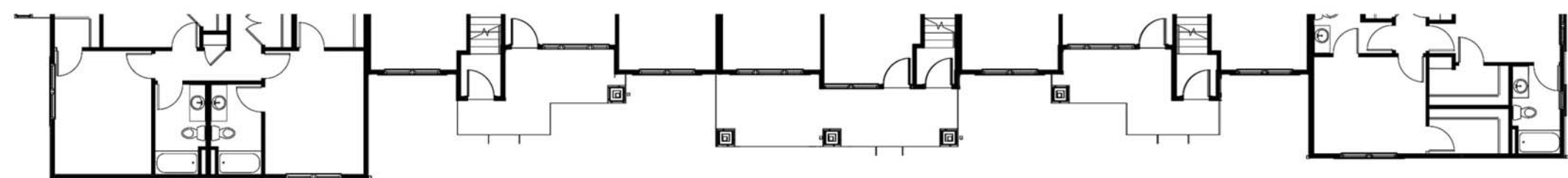
Door
"Slate Tile"
SW 7624



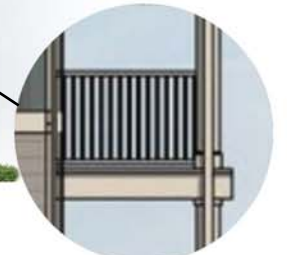
Flat Panel
"Gray Area"
SW 7052



Rear Elevation
SCALE: 1/16"=1'-0"



Lap
"Gray Area"
SW 7052

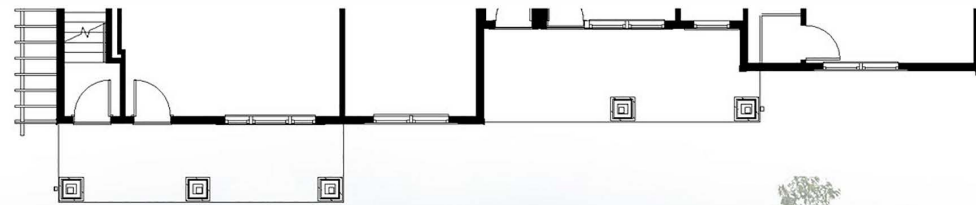


Trim
"Accessible Beige"
SW 7052



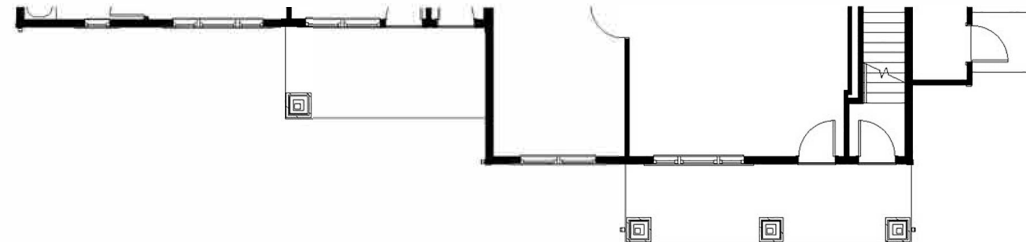
Right Elevation

SCALE: 1/16"=10' 1/8"=1'



Left Elevation

SCALE: 1/16"=10' 1/8"=1'





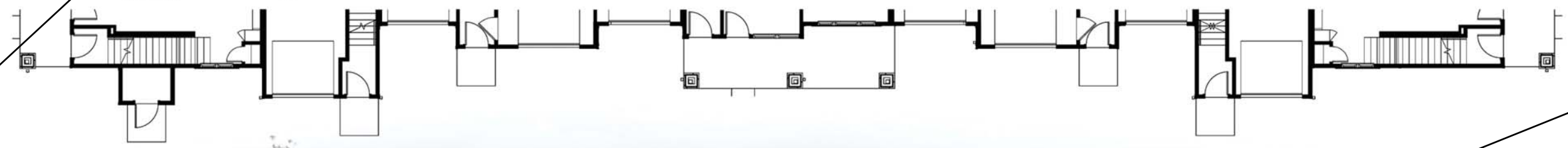
Board and Batten
"Foothills"
SW 7514



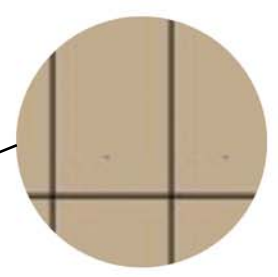
Stone
"Texas Rubble"
Coronado CT501



Front Elevation
SCALE: 1/16"=1'-0"



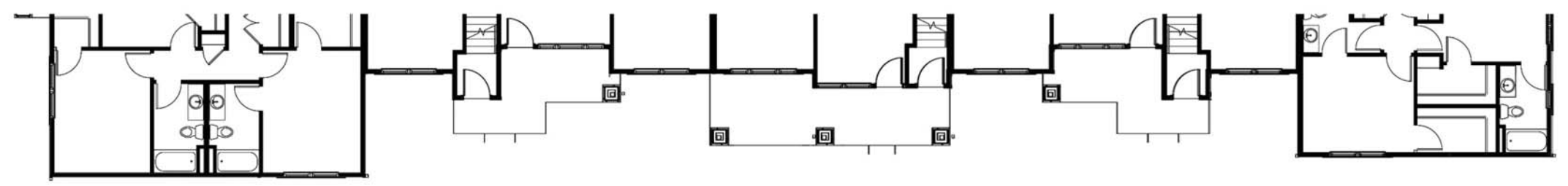
Door
"Foothills"
SW 7514



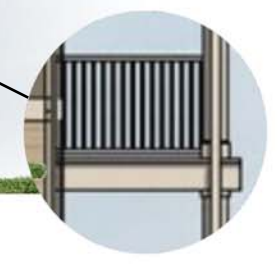
Flat Panel
"Basket Beige"
SW 6143



Rear Elevation
SCALE: 1/16"=1'-0"



Lap
"Basket Beige"
SW 6143

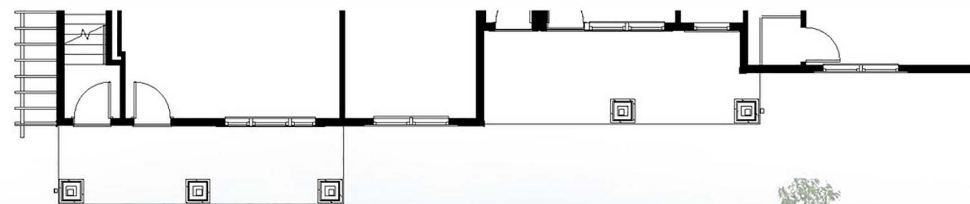


Trim
"Accessible Beige"
SW 7036



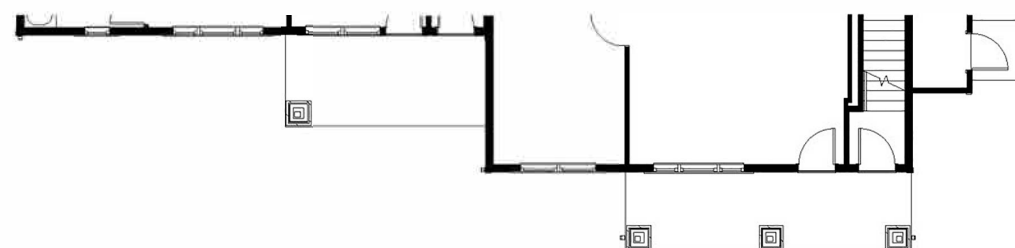
Right Elevation

SCALE: 1/16"=10' 1/8" 1/8" 1/8"



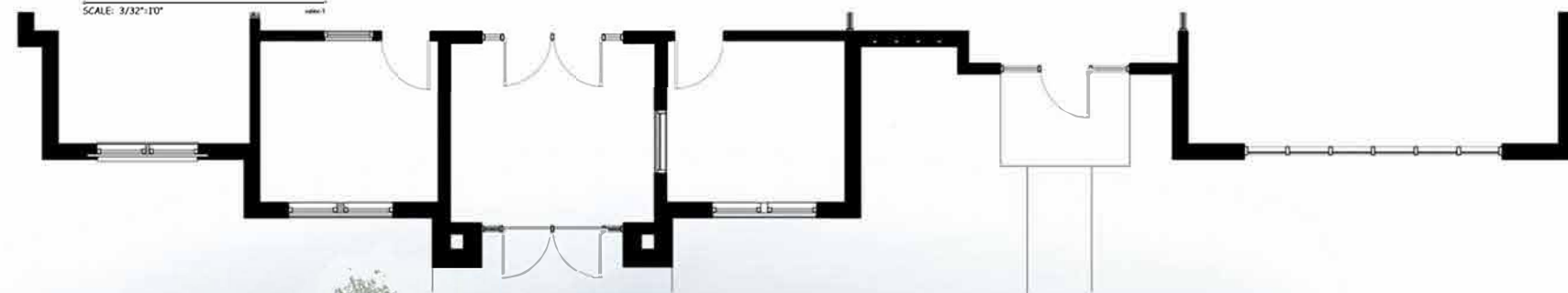
Left Elevation

SCALE: 1/16"=10' 1/8" 1/8" 1/8"





Front Elevation



Right Side Elevation



CLUBHOUSE

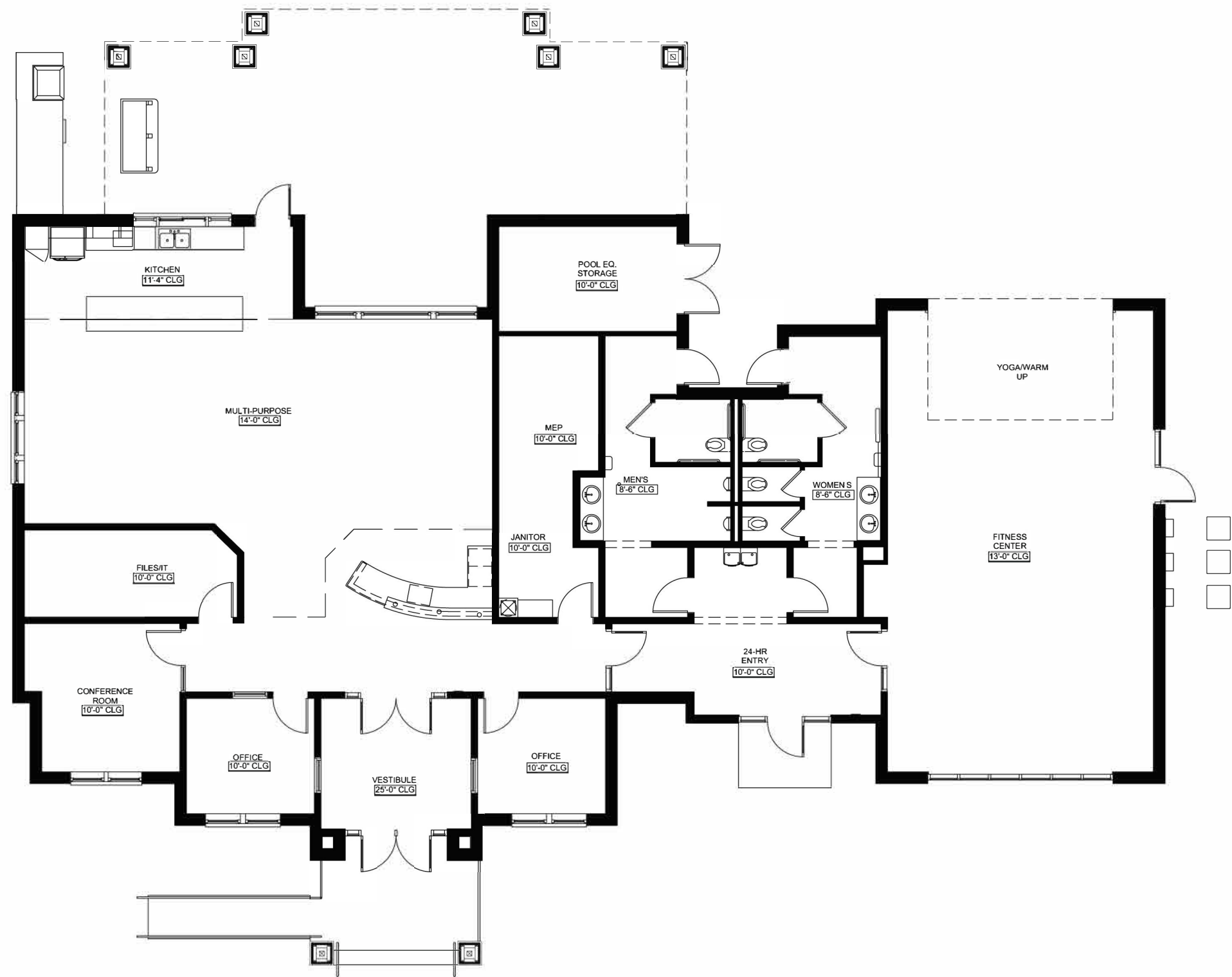


Rear Elevation
SCALE: 3/32"=1'0"



Left Side Elevation
SCALE: 3/32"=1'0"

CLUBHOUSE



Clubhouse Floor Plan

SCALE: 3/32"=1'0"

xxlvy-1

CLUBHOUSE FLOOR PLAN

MEMORANDUM

FOCUS ENGINEERING, inc.

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: August 28, 2019

To: Ken Roberts, Planner Director
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Springs at Lake Elmo (Continental Properties)
Final Plat/Plan Submittals/Review

An engineering review has been completed for the Springs at Lake Elmo Addition. Final Plat/Construction Plans were received August 19, 2019 consisting of the following documentation:

- Final Plat and Construction Plans dated August 19, 2019.
- Stormwater Management Plan dated March 22, 2019; updated August 13, 2019.

STATUS/FINDINGS: Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

FINAL PLAT AND EASEMENTS

- There are no Outlots proposed with this Plat.
- Final Plat must be contingent upon the City receiving separate drainage and utility easements, or temporary grading/construction easements in the City's standard form of easement agreement for all temporary and off-site development improvements. The easements must be obtained and recorded prior to recording of final plat.
 - *A permanent off-site drainage and utility easement is required for the storm sewer run west of Julia Avenue and for the proposed infiltration basin.*
 - *A permanent off-site drainage and utility easement may be required for the storm sewer run east of the Subdivision along the north side of Hudson Boulevard and for any ditch improvements required to accommodate the proposed discharges.*
- All off-site easements must be clearly shown on the site, street, grading and utility plans, with all dimensions labeled. Type of easement must also be noted on the plans.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- No pipe oversize pipe costs are anticipated for this development.
- 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.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated September 6, 2019.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Springs at Lake Elmo may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits,

easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.

PUBLIC IMPROVEMENTS, RIGHT-OF-WAY AND EASEMENTS

- Julia Avenue Right-of-way. The Julia Avenue right-of-way (the north-south collector street connecting 5th Street North to Hudson Boulevard) is shown to be dedicated as part of the Union Park Subdivision and is an important roadway corridor for the City. Therefore, Final Plat approval for Springs at Lake Elmo must be contingent upon the Union Park Final Plat being recorded at Washington County with the Julia Avenue 100-foot right-of-way.
- Julia Avenue Improvements. The construction of Julia Avenue, from the north plat boundary of the Springs Subdivision to Hudson Boulevard, is a requirement for the Springs at Lake Elmo development. Final Plat must be contingent upon the final construction plans for Julia Avenue demonstrating no encroachments by elements of the proposed Subdivision, including the perimeter fencing.
- Hudson Boulevard Improvements and Right-of-way. Final Plat must be contingent upon sufficient right-of-way being dedicated along Hudson Boulevard to allow for the Hudson Boulevard Improvements to be constructed in accordance with the Hudson Boulevard Design Standards. No encroachments will be allowed by design elements of the proposed Subdivision to either the right-of-way or 10-foot utility easement along the north right-of-way line of Hudson Boulevard. The Final Plat must be updated to clearly identify both the existing and proposed Hudson Boulevard right-of-way to clearly depict the right-of-way dedication being granted along Hudson Boulevard. The construction plans must also be updated to clearly show both the existing and proposed Hudson Boulevard right-of-way.
- Municipal Watermain. The watermain and hydrants extended into the Subdivision will be owned and maintained by the City. All watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements will be dedicated as part of the Final Plat. The northerly watermain connection to Union Park must be coordinated with the Union Park developer and redesigned to minimize bends and fittings and to fully detail the proposed connection. The Final Plat easements must be updated to reflect the City approved watermain connection plans.
- Sanitary Sewer. The applicant will be responsible to connect to the City's existing 10-inch sanitary sewer extending along Julia Avenue north from Hudson Boulevard. This will require the replacement of approximately 250 feet of 8-inch sanitary sewer with 10-inch sanitary sewer at applicant's sole cost.

STORMWATER MANAGEMENT

- The proposed development is subject to a storm water management plan meeting State, Valley Branch Watershed District (VBWD) rules, South Washington Watershed District (SWWD) rules, and City rules. The proposed Subdivision resides within the VBWD jurisdiction; however, the applicant has proposed to direct and manage the storm water from the public improvements (Hudson Boulevard and Julia Avenue) to land within the SWWD jurisdiction. Permits will be required from the VBWD, SWWD and Minnesota Pollution Control Agency. A stormwater permit may also be required from MnDOT. Final Plat must be contingent upon the applicant obtaining the required storm water management permits and the proposed designs for meeting these rules being acceptable to the City.
- Permitting requirements will require rate control from all points of discharge from the site. The proposed easterly storm water outfall pipe discharges to an existing ditch on the north side of Hudson Boulevard. Ditch improvements will be required to accommodate this new combined discharge, or calculations must be submitted to demonstrate that the existing ditch can accommodate the proposed discharge rates.
- Storm water facilities proposed for the public improvements must be designed and constructed to meet the requirements of the City Engineering Design Standards Manual.
- The SWWD storm water management system is incomplete. Final Plat must be contingent upon the storm water construction plans meeting the approval of the City and all required easements or Outlots for these facilities being dedicated to the City in the city standard form of agreements.
- Soil borings must be submitted in the number according to the City design standards for the proposed off-site infiltration basin. Type A or B soils are required to propose infiltration.

- Maintenance access roads and benches must be provided for the off-site storm water basin, meeting the City engineering design standards. Access must also be provided to all storm sewer structures.
- The storm water facilities constructed internal to the Subdivision include several underground storage chambers and a proposed storm water reuse irrigation system. These facilities 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 and must include a detailed maintenance plan and schedule for these facilities.



To: Ken Roberts, City of Lake Elmo Planning Director
From: Lucius Jonett, Wenck Landscape Architect
Date: July 30, 2019
Subject: City of Lake Elmo Landscape Plan Review
Springs at Lake Elmo, Review #3

Submittals

- Final Plat Resubmittal Tree Preservation Plan, dated July 26, 2019, received June 26, 2019.
- Final Plat Resubmittal Landscape Plans, dated July 26, 2019, received June 26, 2019.

Location: North of Hudson Boulevard North, West of Keats Avenue North in Lake Elmo, MN

Land Use Category: Rural Development Transitional being rezoned to Urban High Density Planned Unit Development

Surrounding Land Use Concerns:

The property to the north (Bentley Village) is Urban Medium Density Residential and is less intensive land use than the proposed Urban High Density Residential. Screening is required on the north boundary.

The property's use to the west (Rural Development Transitional) is unknown at the moment and east (Commercial) is a zone that is more intensive land use than this proposed Urban High Density Residential. Screening is not required on the east or west boundaries. To the south is Interstate 94 where screening is suggested to help with noise abatement.

Special landscape provisions in addition to the zoning code:

None.

Tree Preservation:

A. A tree preservation plan has been submitted that does meet all requirements.

Entire Site			
Total Caliper Inches of Significant Trees On-Site:		1050	Cal Inches
	Common Trees	489	
	Conifer/Evergreen Trees	303	
	Hardwood Trees	258	
	Nuisance Trees	0	
Significant Inches Removed On-Site		1050	Cal Inches
	Common Trees	489	
	Conifer/Evergreen Trees	303	
	Hardwood Trees	258	
	Nuisance Trees	0	
30% Tree Removal Limits (Cal. Inches)		Allowed	Proposed
	Subtract Common Tree Removals	146.7	489
	Subtract Conifer/Evergreen Tree Removals	90.9	303
	Subtract Hardwood Tree Removals	77.4	258
Removals in excess of 30% allowances			
	Removals in excess of 30% allowances	142.0	Cal Inches
	Common Removals in Excess of 30% Allowance	342.3	
	Conifer Removals in Excess of 30% Allowance	212.1	
	Hardwood Removals in Excess of 30% Allowance	180.6	
	Common Tree Replacement Needed (1/4 the dia inches removed)	85.6	Cal Inches
	Conifer Tree Replacement Needed (1/2 the dia inches removed)	106.1	Cal Inches
	Hardwood Tree Replacement Needed (1/2 the dia inches removed)	90.3	Cal Inches
Common Tree Replacement Required @ 3" per Tree		29	# Trees
Conifer Tree Replacement Required @ 3" per 6' Tall Tree		36	# Trees
Hardwood Tree Replacement Required @ 3" per Tree		31	# Trees

B. There are 37 specimen trees identified in the tree inventory. The following tree ID numbers are defined as specimen, 3501-3534, 3557, 3561, and 3563. All specimen trees are proposed for removal.

C. Tree replacement is required because more than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.

D. Tree replacement calculations does follow the required procedure.

E. This project is residential development; therefore, mitigation replacement trees shall be in addition to landscape required tree counts.

Landscape Requirements:

The preliminary landscape plans do meet the code required number of trees.

	Master Plan (Code Required)	Master Plan Proposed	
Street frontage	1100	1100	Lineal Feet
Lake Shore	0	0	Lineal Feet
Stream Frontage	0	0	Lineal Feet
Total Linear Feet	1100	1100	Lineal Feet
/50 Feet = Required Frontage Trees	22	22	Trees
Development or Disturbed Area	-		SF
Development or Disturbed Area	17	17	Acres
*5 = Required Development Trees	85	85	Trees
Interior Parking Lot Spaces*	0	0	Spaces
/10 = Required Parking Lot Trees	0	0	Trees
Perimeter Parking Lot Frontage Length*	1286		Lineal Feet
/50 = Required Frontage Strip Trees	26	26	Trees
Required Mitigation Trees	96	96	
Required Number of Trees	229	229	
Total Trees to Date		284	

** Residential development - mitigation replacement trees are in addition to landscape required tree counts.*

The landscape plans do meet the minimum compositions of required trees:

- At least 25% of the required number of trees shall be deciduous shade trees
- At least 25% of the required number of trees shall be coniferous trees
- Up to 15% of the required number of trees may be ornamental tree

Master Plan	Qty	% Composition	
Deciduous Shade Trees	142	50%	>25% required
Coniferous Trees	107	38%	>25% required
Ornamental Trees	35	12%	<15% required
Tree Count	284		

A. A landscape plan has been submitted that does include all requirements.

B. The landscape plan does **not** meet the landscape layout requirements;

1. No utility conflicts; prefer that the trunk of trees shall be 10 feet from the nearest utility, 5 feet minimum required, including yard drains and storm sewer lines.

- C. Interior Parking Lot Landscaping – The development does include several interior parking lots and none of the proposed parking lots exceed 30 stalls requiring additional landscaping.
- D. Perimeter Parking Lot Landscaping – The development does include perimeter parking lots and meets all landscape requirements by providing vegetated screening between four and six feet in height and 90% opaque year round and includes one deciduous or coniferous tree for every 40 linear feet along the property line.
- E. Screening – The landscape plan does meet screening requirements by providing a vegetated screen of at least six feet in height and not less than 90% opaque year round and includes one deciduous or coniferous tree for every 40 linear feet along the property line.

Findings:

- 1. Resubmitted plans address all comments from the previous review.
- 2. See attached markup on the landscape plan showing trees in conflict with yard drains and utility lines. There are several constrained open spaces, where after the utilities are installed, field adjustments of trees to fit the remaining open space will be difficult to meet City spacing requirements. The landscape plan needs to be updated with adjusted tree locations to maintain 10' clearance where possible, otherwise maintaining at least 5' as agreed upon.

Recommendation:

It is recommended that a condition of final approval includes submitting a revised landscape plan.

Sincerely,



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

Client
**CONTINENTAL
483 FUND LLC**

W134 N8675 EXECUTIVE PARKWAY
MENOMONEE FALLS, WI 53051

Project
**SPRINGS AT
LAKE ELMO**

Location
**LAKE ELMO,
MINNESOTA**
9955 HUDSON BOULEVARD NORTH

Certification
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

William L Delaney
Registration No. 40252 Date:
This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek, Minnetonka, MN office.

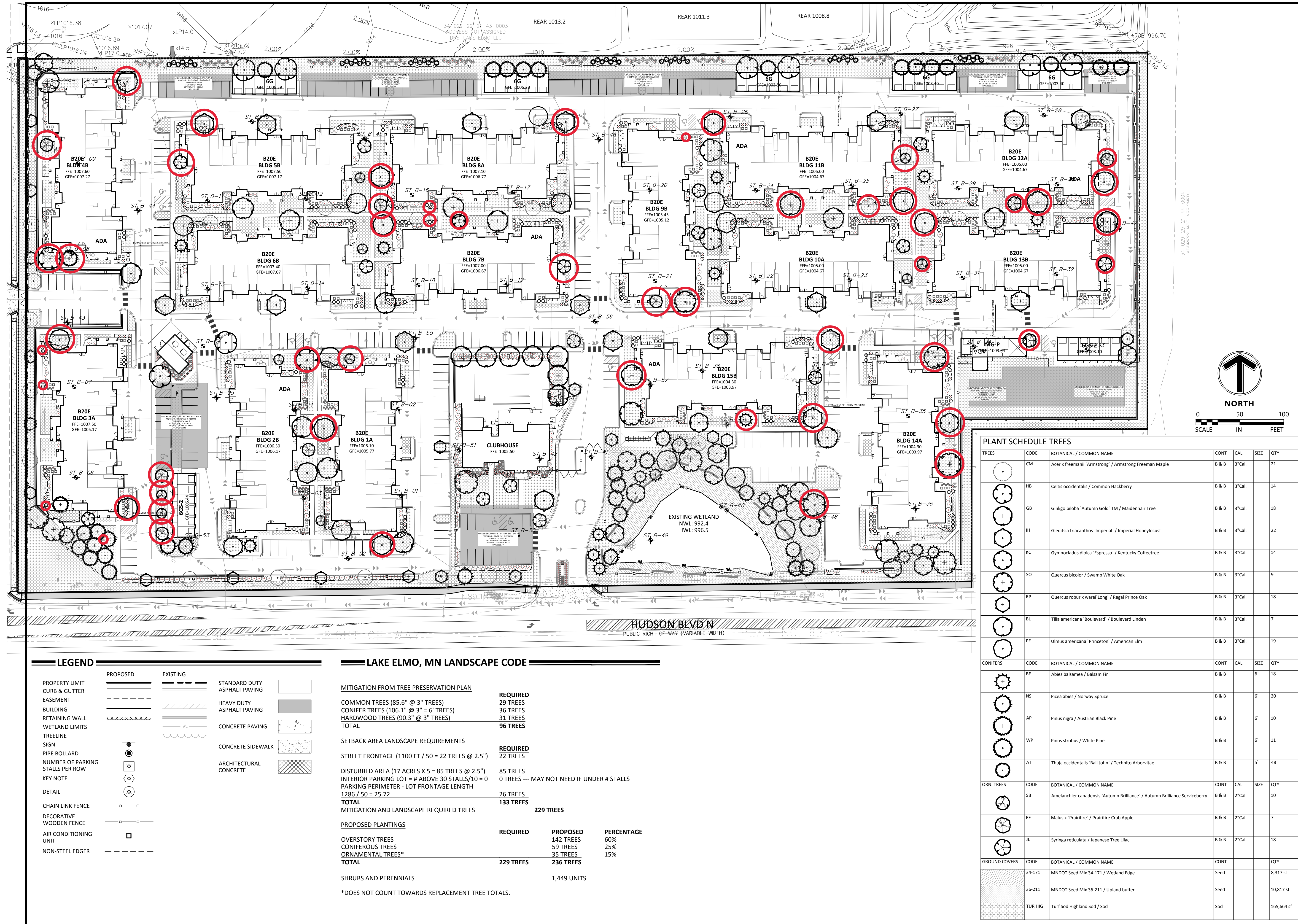
Summary
Designed: JEB Drawn: CIL
Approved: ETL Book / Page:
Phase: FINAL Initial Issue: 4/12/2019

Revision History		No. Date By		Submittal / Revision	
4/12/2019	5/1/2019	CITY SUBMITTAL	CITY PRELIMINARY	RESUBMITTAL	
6/11/2019	7/26/2019	BID SET	CITY SUBMITTAL		

Sheet Title
**LANDSCAPE
PLAN**

Sheet No. Revision
L1.01

Project No. 21654





Client
CONTINENTAL
483 FUND LLC

Project SPRINGS AT LAKE ELMO

Location
LAKE ELMO,
MINNESOTA
9955 HUDSON BOULEVARD NORTH

I hereby certify that this plan, specification 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.

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

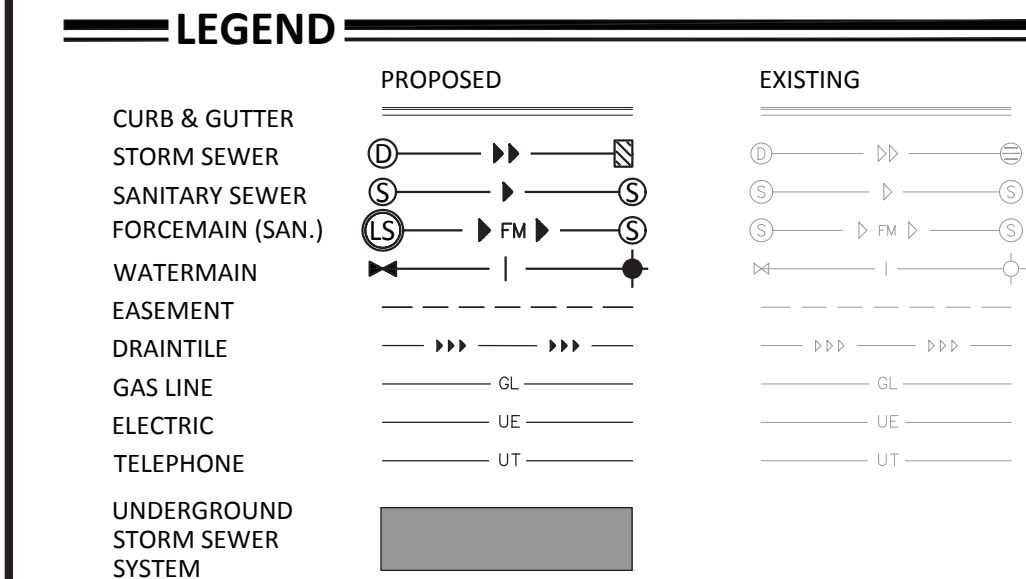
Designed: JEB Drawn: CJL
Approved: ETL Book / Page:
Phase: FINAL Initial Issue: 4/12/2019

No.	Date By	Submittal / Revision
4/12/2019		CITY SUBMITTAL
5/1/2019		CITY PRELIMINARY RESUBMITTAL
6/11/2019		BID SET
7/26/2019		CITY SUBMITTAL
7/30/2019		STORM SEWER UPDATE
8/14/2019		VBWD COMMENTS
8/19/2019		CITY SUBMITTAL

Sheet Title
STORM SEWER
PLAN

Sheet No. Revision
C7.00

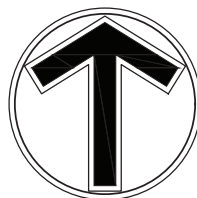
Project No. 21654



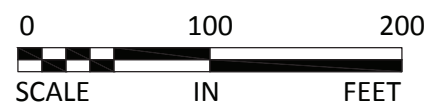
1. THE UTILITY IMPROVEMENTS FOR THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE "STANDARD UTILITIES SPECIFICATIONS" AS PUBLISHED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), EXCEPT AS MODIFIED HEREIN. CONTRACTOR SHALL OBTAIN A COPY OF THESE SPECIFICATIONS.
 - 1.1. ALL UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY REQUIREMENTS.
 - 1.2. CONTRACTOR SHALL NOT OPEN, TURN OFF, INTERFERE WITH, OR ATTACH ANY PIPE OR HOSE TO OR TAP WATERMAIN BELONGING TO THE CITY UNLESS DULY AUTHORIZED TO DO SO BY THE CITY. ANY ADVERSE CONSEQUENCES OF ANY SCHEDULED OR UNSCHEDULED DISRUPTIONS OF SERVICE TO THE PUBLIC ARE THE LIABILITY OF CONTRACTOR.
 - 1.3. A MINIMUM VERTICAL SEPARATION OF 18 INCHES AND HORIZONTAL SEPARATION OF 10-FEET BETWEEN OUTSIDE PIPE DIAMETERS IS REQUIRED AT ALL WATERMAIN AND SEWER MAIN (BUILDING, STORM AND SANITARY) CROSSINGS.
2. ALL MATERIALS SHALL BE AS SPECIFIED IN CEAM SPECIFICATIONS EXCEPT AS MODIFIED HEREIN.
 - 2.1. ALL STORM SEWER PIPE TO BE SMOOTH INTERIOR DUAL WALL HDPE PIPE WITH WATER TIGHT GASKETS, UNLESS NOTED OTHERWISE.
 - 2.1.1. ALL STORM SEWER PIPE FOR ROOF DRAIN AND YARD DRAIN SERVICES TO BUILDING SHALL BE PVC SCH 40 CONFORMING TO ASTM D2665, WITHIN 10' OF THE BUILDING. ALL OTHER AREAS & ALL OTHER AREAS MAY USE HDPE PIPE WHEN GREATER THAN 10' FROM BUILDING AND PIPE SIZES ARE GREATER THAN 12".
 - 2.2. RIP RAP SHALL BE Mn/DOT CLASS 3.
3. COORDINATE ALL BUILDING SERVICE CONNECTION LOCATIONS AND INVERT ELEVATIONS WITH MECHANICAL CONTRACTOR PRIOR TO CONSTRUCTION.
4. ALL BUILDING SERVICE CONNECTIONS (STORM, SANITARY, WATER) WITH FIVE FEET OR LESS COVER ARE TO BE INSULATED FROM BUILDING TO POINT WHERE 5-FEET OF COVER IS ACHIEVED.

5. CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
 6. SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF CONTRACTOR'S SAFETY MEASURES IN, ON OR NEAR THE CONSTRUCTION SITE.
 7. ALL AREAS OUTSIDE THE PROPERTY BOUNDARIES THAT ARE DISTURBED BY UTILITY CONSTRUCTION SHALL BE RESTORED IN KIND. SODDED AREAS SHALL BE RESTORED WITH 6 INCHES OF TOPSOIL PLACED BENEATH THE SOD.
 8. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.
 9. ALL SOILS TESTING SHALL BE COMPLETED BY AN INDEPENDENT SOILS ENGINEER. EXCAVATION FOR THE PURPOSE OF REMOVING UNSTABLE OR UNSUITABLE SOILS SHALL BE COMPLETED AS REQUIRED BY THE SOILS ENGINEER. THE UTILITY BACKFILL CONSTRUCTION SHALL COMPLY WITH THE REQUIREMENTS OF THE SOILS ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOILS TESTS AND SOIL INSPECTIONS WITH THE SOILS ENGINEER.
- A GEOTECHNICAL ENGINEERING REPORT HAS BEEN COMPLETED BY:
COMPANY: INTERTEK-PSI
ADDRESS: 2915 WATERS ROAD, SUITE 112 EAGAN, MN 55121
PHONE: 651-646-8148
DATED: FEBRUARY 11, 2019
- CONTRACTOR SHALL OBTAIN A COPY OF THIS SOILS REPORT.

10. CONTRACTOR SHALL SUBMIT 2 COPIES OF SHOP DRAWINGS FOR MANHOLE AND CATCH BASIN STRUCTURES TO ENGINEER. CONTRACTOR SHALL ALLOW 5 WORKING DAYS FOR SHOP DRAWING REVIEW.
11. CONTRACTOR AND MATERIAL SUPPLIER SHALL DETERMINE THE MINIMUM DIAMETER REQUIRED FOR EACH STORM SEWER STRUCTURE.
12. THE UNDERGROUND STORMWATER SYSTEM SHOWN ON THE UTILITY PLAN AND THE DETAIL SHEETS IS FOR INFORMATIONAL PURPOSES ONLY AND DEPICTS THE MINIMUM STORAGE REQUIREMENTS AND THE SYSTEM ELEVATIONS. THE CONTRACTOR (WITH THEIR SUPPLIER OR DESIGNER) SHALL SUBMIT DESIGN DRAWINGS TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION. THE DESIGN DRAWINGS SHALL DEPICT THE FINAL LAYOUT AND DETAILS FOR CONSTRUCTION. THE DRAWINGS SHALL BE CERTIFIED BY A LICENSED ENGINEER FOR THE STATE IN WHICH THE PROJECT IS CONSTRUCTED. THE SUBMITTAL SHALL INCLUDE ALL NECESSARY PRODUCT INFORMATION, DESIGN CALCULATIONS AND BEDDING REQUIREMENTS FOR THE PROPOSED STORMWATER SYSTEM. FOLLOWING CONSTRUCTION, THE CERTIFYING ENGINEER SHALL SUBMIT A LETTER TO THE OWNER AND ENGINEER INDICATING THEY OBSERVED THE INSTALLATION AND THE INSTALLATION OF THE STORMWATER SYSTEM WAS IN CONFORMANCE WITH THE CERTIFIED DRAWINGS.
13. ALL ROOF DRAINS PIPE LEADS FROM THE DOWNSPOUT LOCATION TO THE STORM MAIN SHALL HAVE A 1% MIN PIPE SLOPE.
14. THE PROPOSED STORM LOCATED WITHIN SPRINGS WILL BE PRIVATELY OWNED.



NORTH



**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JUNE 18, 2019**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Pearson called the meeting to order at 7:00 pm.

PRESENT: Mayor Mike Pearson and Councilmembers Justin Bloyer, Dale Dorschner, Lisa McGinn and Christine Nelson

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Roberts, Finance Director Iverson, Public Works Director Powers and City Clerk Johnson

APPROVAL OF AGENDA

“City Sponsorship of 4th of July Parade” added as item 13 on the Regular agenda.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE AGENDA AS AMENDED. Motion passed 5 – 0.

ACCEPT MINUTES

Minutes of the June 4, 2019 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

Susan Dunn, 11018 Upper 33rd St. N., suggested additions to the City’s newsletter recognizing the contributions of Bernie Wilke and David Steel to the city, and expressed opposition to proposed mountain biking trails in Sunfish Lake Park.

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Accept May 2019 Fire Department Report
4. Accept May 2019 Building Department Report
5. Accept May 2019 Public Works Department Report
6. Approve 2019 Staff Wage Adjustments
7. Approve Summer Newsletter
8. Approve Old Village Phase 4 - Pay Request No. 6
9. Approve Mowing Contract
10. Approve Sale of Excess and Retired Equipment
11. Approve Development Security Reduction

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5 - 0.

ITEM 12: Springs of Lake Elmo – Preliminary Plat and PUD, Zoning Map Amendment

Planning Director Roberts presented the preliminary plat for the Springs of Lake Elmo multifamily housing proposal, noting plans for trails, access points and building layouts. Gwen Wheeler, Continental Properties, spoke on behalf of the applicant, providing an overview of the site plan, market demand, exterior elevations, site amenities and density.

Discussion was held concerning density, pedestrian improvements and amenity points.

Susan Dunn, expressed concerns with the proposal, including density and aesthetics.

Mayor Pearson, seconded by Councilmember Nelson, MOVED TO ADOPT RESOLUTION 2019 - 043 APPROVING THE PRELIMINARY PLAT AND PRELIMINARY PUD PLANS AS REQUESTED BY CONTINENTAL 483 FUND LLC FOR PID# 34.029.21.43.0003 FOR THE PROJECT TO BE KNOWN AS THE SPRINGS APARTMENTS LOCATED ON THE NORTH SIDE OF HUDSON BOULEVARD, SUBJECT TO RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT AND PROVIDE 17 AMENITY POINTS.

Councilmember Dorschner, seconded by Councilmember McGinn, moved TO AMEND THE PRIMARY MOTION TO REPLACE THE PEDESTRIAN AMENITY POINTS WITH TWO STORY BUILDING AND SEPARATE ENTRANCE AMENITY POINTS AT THE SAME LEVEL. Motion failed 1 – 4. (Pearson, Bloyer, McGinn, Nelson – nay)

Primary motion passed 5 – 0.

Councilmember Nelson, seconded by Councilmember Dorschner, moved TO ADOPT ORDINANCE 08- 223 APPROVING THE ZONING MAP AMENDMENT (REZONING) OF SITE OF THE SPRINGS APARTMENTS ON HUDSON BOULEVARD FROM RT (RURAL DEVELOPMENT TRANSITIONAL) TO HDR (URBAN HIGH DENSITY RESIDENTIAL) AFTER FINAL APPROVAL OF THE 2040 COMPREHENSIVE PLAN BASED ON THE FINDINGS LISTED IN THE STAFF REPORT. Motion passed 5 – 0.

ITEM 13: City Sponsorship of 4th of July Parade

City Administrator Handt explained that the City sponsorship of the 4th of July Parade allows the event to be covered by the City's insurance.

**LAKE ELMO CITY COUNCIL MINUTES
JUNE 18, 2019**

Councilmember Dorschner, seconded by Mayor Pearson, moved TO USE THE CITY'S INSURANCE FOR THE 4TH OF JULY PARADE. Motion passed 5 – 0.

COUNCIL REPORTS

Mayor Pearson: Commented on the recent passing of former Parks Commissioner David Steele.

Councilmember Nelson: Thanked volunteers for the successful Nature Day event at Sunfish Lake Park.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: New Deputy Clerk starting next week; LMC conference in Duluth next week.

City Attorney Sonsalla: Attending the LMC Conference next week.

City Engineer Griffin: Announced Keats Avenue closing next week for storm sewer work.

CLOSED SESSION

Mayor Pearson, seconded by Councilmember Dorschner, moved TO ADJOURN TO CLOSED SESSION PURUSANT TO MN STAT, SECTION 13D.05, SUBD 3(B) TO DISCUSS MATTERS PROTECTED BY THE ATTORNEY-CLIENT PRIVIEGE PERTAINING TO POTENTIAL LITIGATION AGAINST HAMLET ON SUNFISH LAKE HOA. Motion passed 5 – 0.

Closed session held.

Mayor Pearson, seconded by Councilmember Dorschner, moved TO RETURN TO OPEN SESSION. Motion passed 5 – 0.

Meeting adjourned at 9:24 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk

SPRINGS[®]

apartments

Appendix A: Theming Product Details and Imagery

1. Two City standard light poles with community identifying banners:
 - a. Street Light Fixture: Excel - Evans (to match 5th St.) LED, 4000 Lumens, Black
 - b. Street Light Pole: 25 ft Evans (Type D) decorative base mounted fluted black aluminum pole (to match 5th St.) with banner support accessory
 - c. To be provided at the Julia/Hudson intersection and at the Springs emergency only driveway. Location exhibit and photometric plan enclosed.



Image for conceptual purposes only

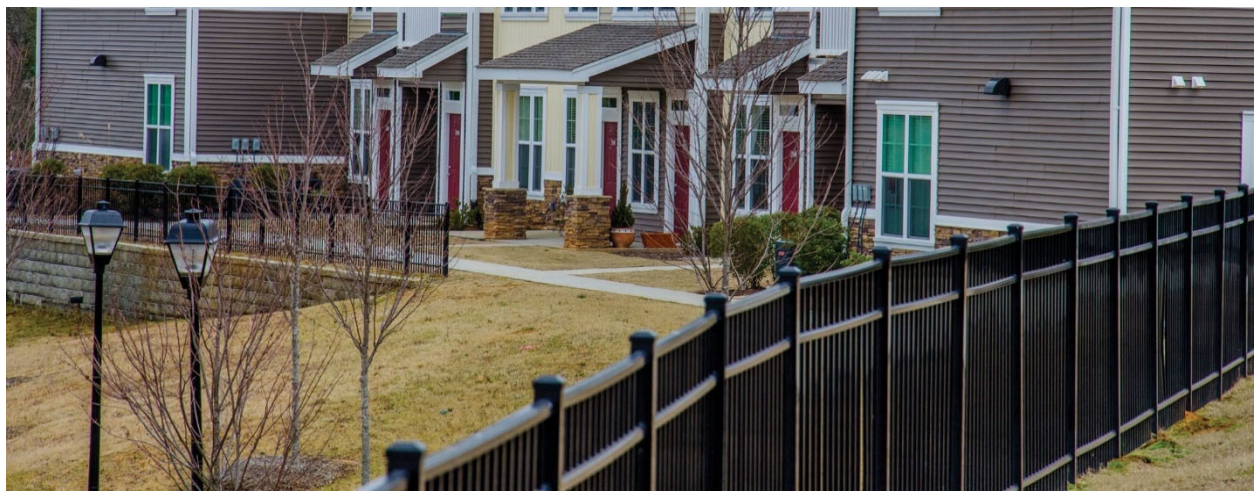
SPRINGS[®]

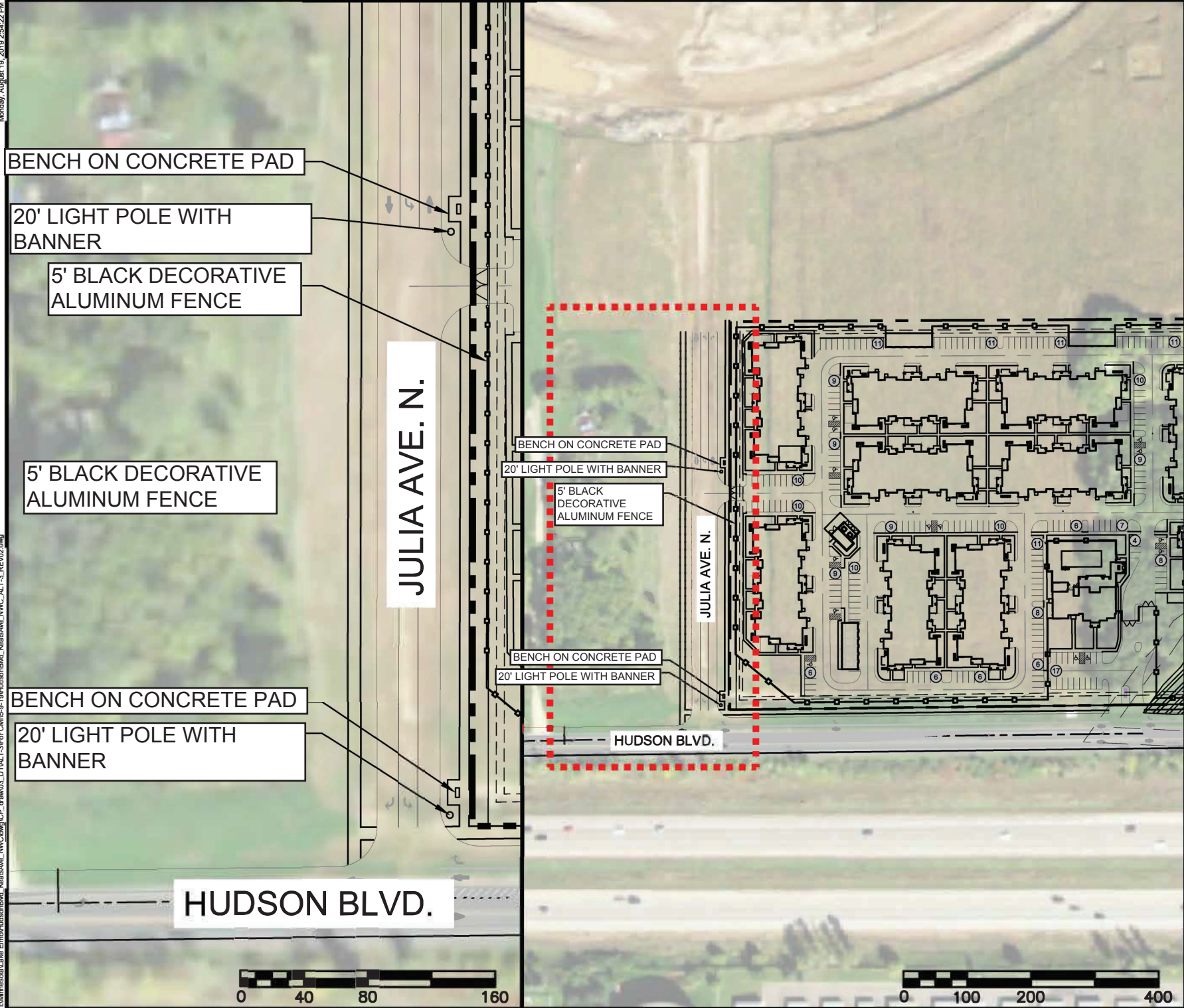
apartments

2. Two timeless-style benches comprised of cast aluminum and a durable powder-coated finish and wood seat along the Eastern portion of Julia Avenue North. To be placed on a concrete pad.



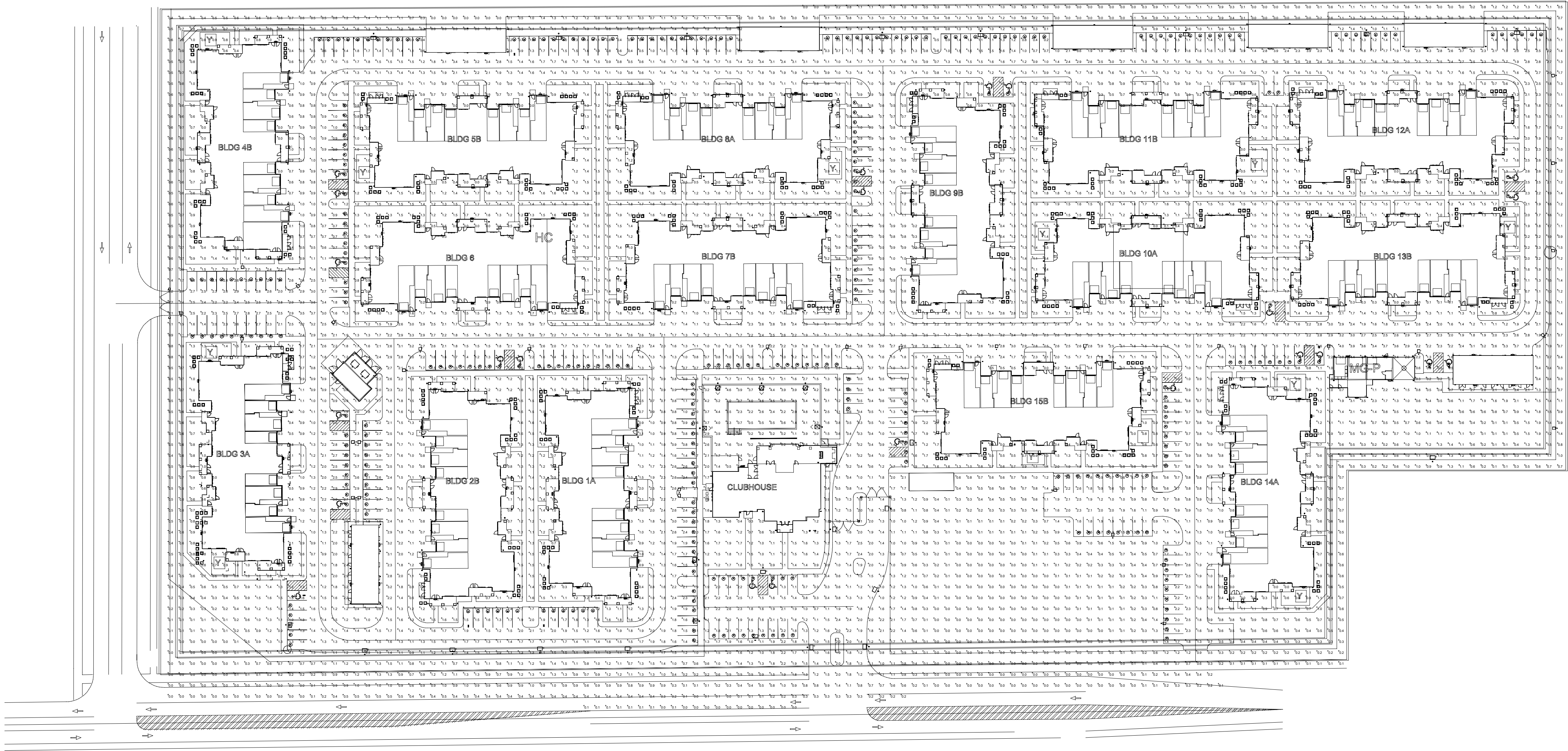
3. 5' tall black ornamental metal fence around the entire perimeter.





CITY: LAKE ELMO		STATE: MN		DRAWN BY: MMW		CONTINENTAL C483 FUND LLC An affiliate of	
STREET: HUDSON BLVD & KEATS AVE, NWC		INITIAL DATE DRAWN: 3/11/2019		CONTINENTAL PROPERTIES			
REVISIONS		REV	DATE	REV	DATE	REV	
		DESCRIPTION	DATE	DESCRIPTION	DATE	REV	
SHEET: NORTH		EXHIBIT		REV:			

PHOTOMETRIC STATISTICS					
ZONE	AVERAGE (FC)	MAXIMUM (FC)	MINIMUM (FC)	MAX/MIN	AVG/MIN
PARKING	1.2	5.4	0.0	N/A	N/A



PROF. BEITH HALL
LICENSED
PROFESSIONAL
ENGINEER
56415
4/10/2019

Revisions

CONSTRUCTION
DOCUMENTS

Drawing Date
06/11/19

SPRINGS AT LAKE ELMO
HUDSON BOULEVARD & KEATS AVENUE
LAKE ELMO, MN 55042

Project No.
219005.02

Sheet Title
ELECTRICAL
PHOTOMETRIC PLAN

Sheet No.
E102S

2 ELECTRICAL PHOTOMETRIC PLAN
1" = 60'-0"