



3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

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.

**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:

PID 09.029.21.22.0008

Existing Land Use/Zoning: Single-family detached residential home guided for Rural Single Family.

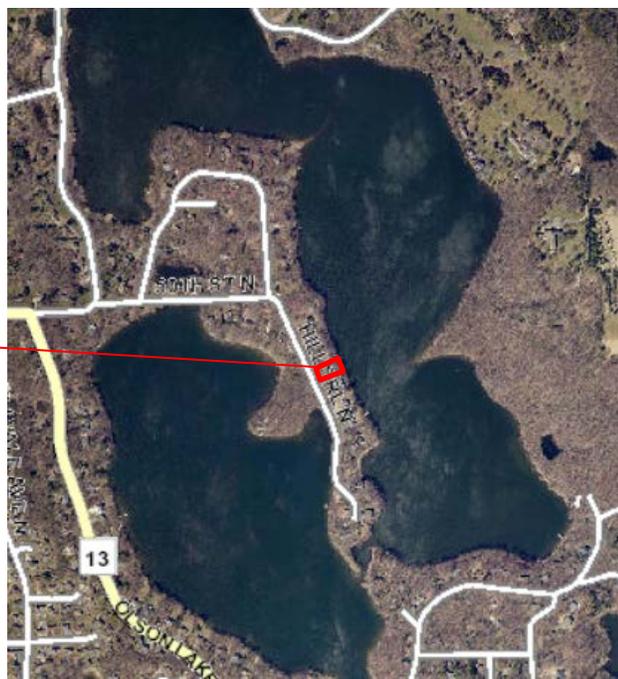
*Surrounding Land Use/
Zoning:* Surrounded by single family homes guided for Rural Single Family / Rural Single Family

History: 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.

Deadline for Action: Application Complete – 8/9/2019
60 Day Deadline – 10/8/2019
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations:

- 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 Riparian Lot	1.5 acres .91 acres	0.48 acres	1.01 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.

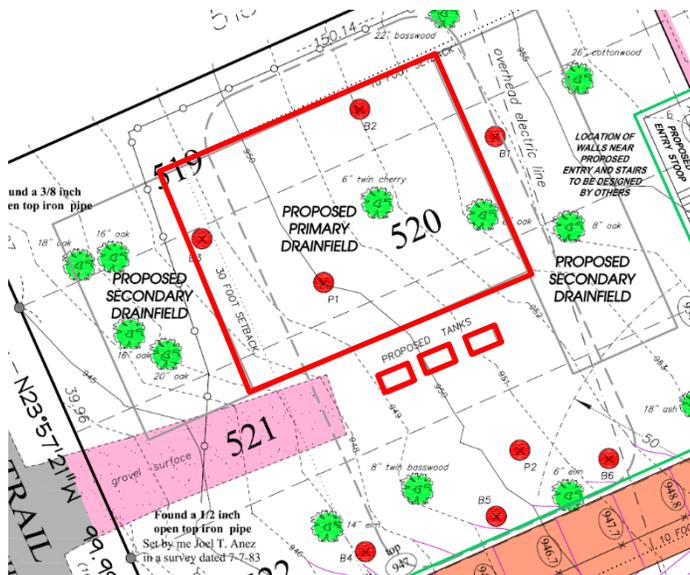


Top of Bluff 154.800 table 17-3

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.

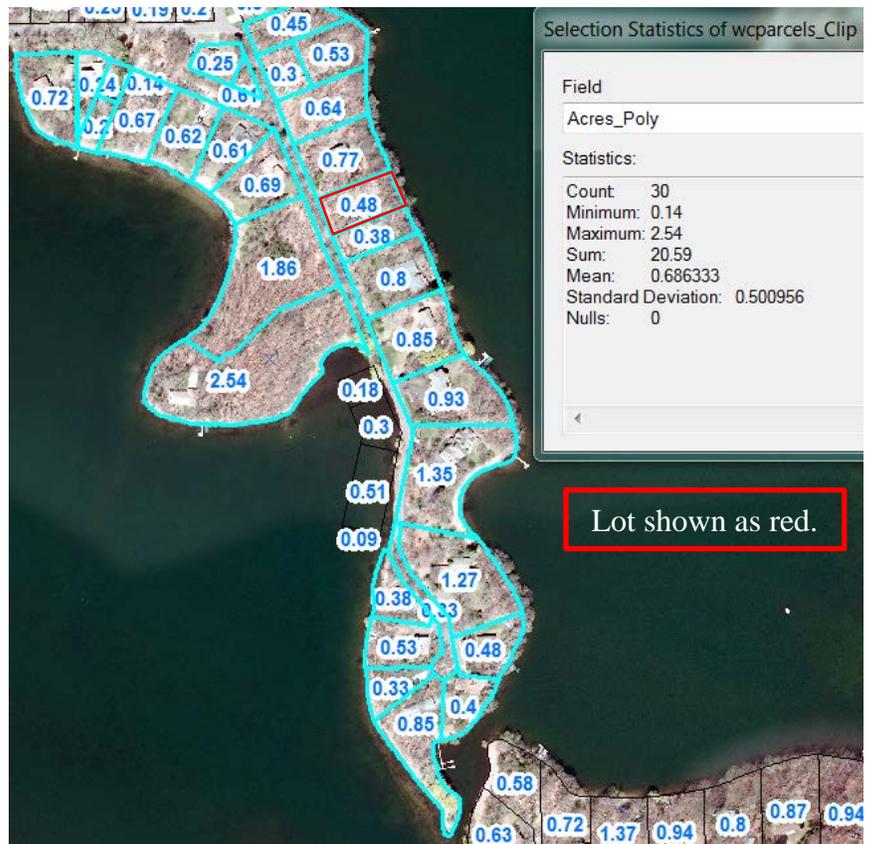
The minimum lot size for an unsewered single family detached dwelling within the shoreland district is 40,000 square feet. The lot size of the subject parcel is 20,706 square feet. The lot also does not meet the minimum shoreland district standards in Subdivision 12 of the shoreland ordinance which states 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*

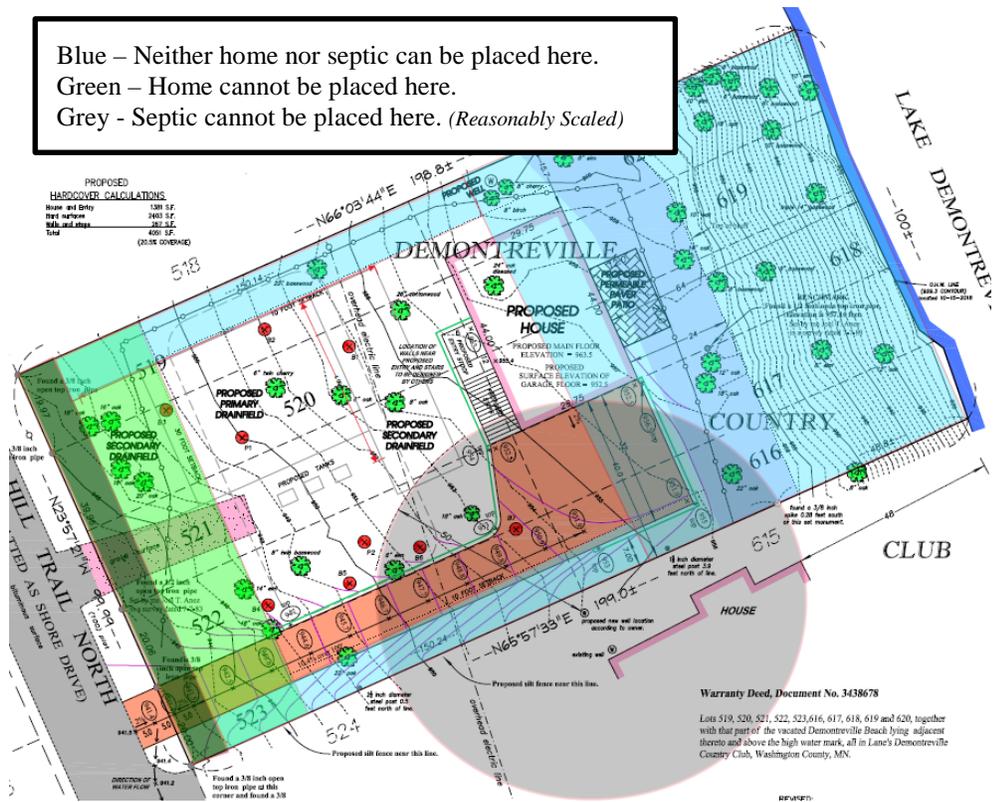
would help mitigate the impervious surface on the lot. The request is reasonable. The standard is met.

- **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.

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.

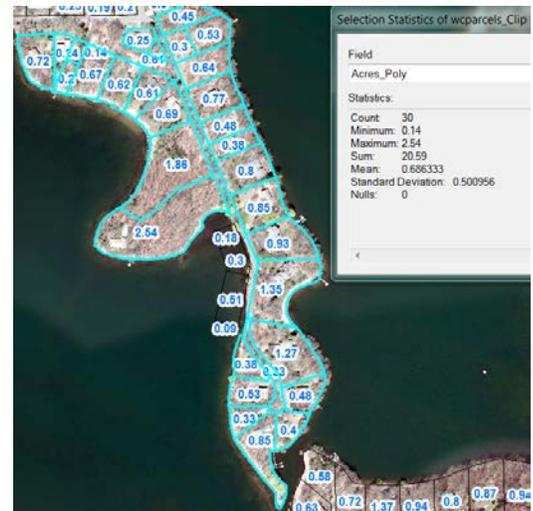
If the permitting authority has granted approval through their process, the expectation to maintain 20,000 sqft. would appear unnecessary. The standard is met.

- **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

RECEIVED

MAR 29 2019

CITY OF LAKE ELMO

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

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.

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

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

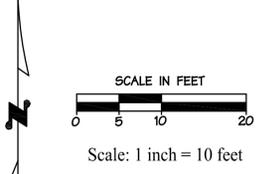
Ordinary High Water elevation is 929.3 feet.
100 year flood elevation is 931.0 feet
RECREATION DEVELOPMENT LAKE
MN Protected Waters 82-101
Water surface elevation on 10-15-2018 was 929.2 feet
Datum is NGVD 1929 (feet)

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
 - Denotes utility pole
 - x 975.7 Denotes existing spot elevation.
 - x (952.5) Denotes proposed elevation.
 - B2 (with red dot) Denotes location of soil boring.
 - P2 (with red dot) Denotes location of percolation hole.
 - Denotes proposed contour.
 - Denotes proposed 48 inch high maximum retaining wall, unless otherwise noted.
 - Denotes proposed silt fence.
 - (light blue) Denotes 20 foot wide bluff impact zone.
 - (orange) Denotes proposed hard surface.

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

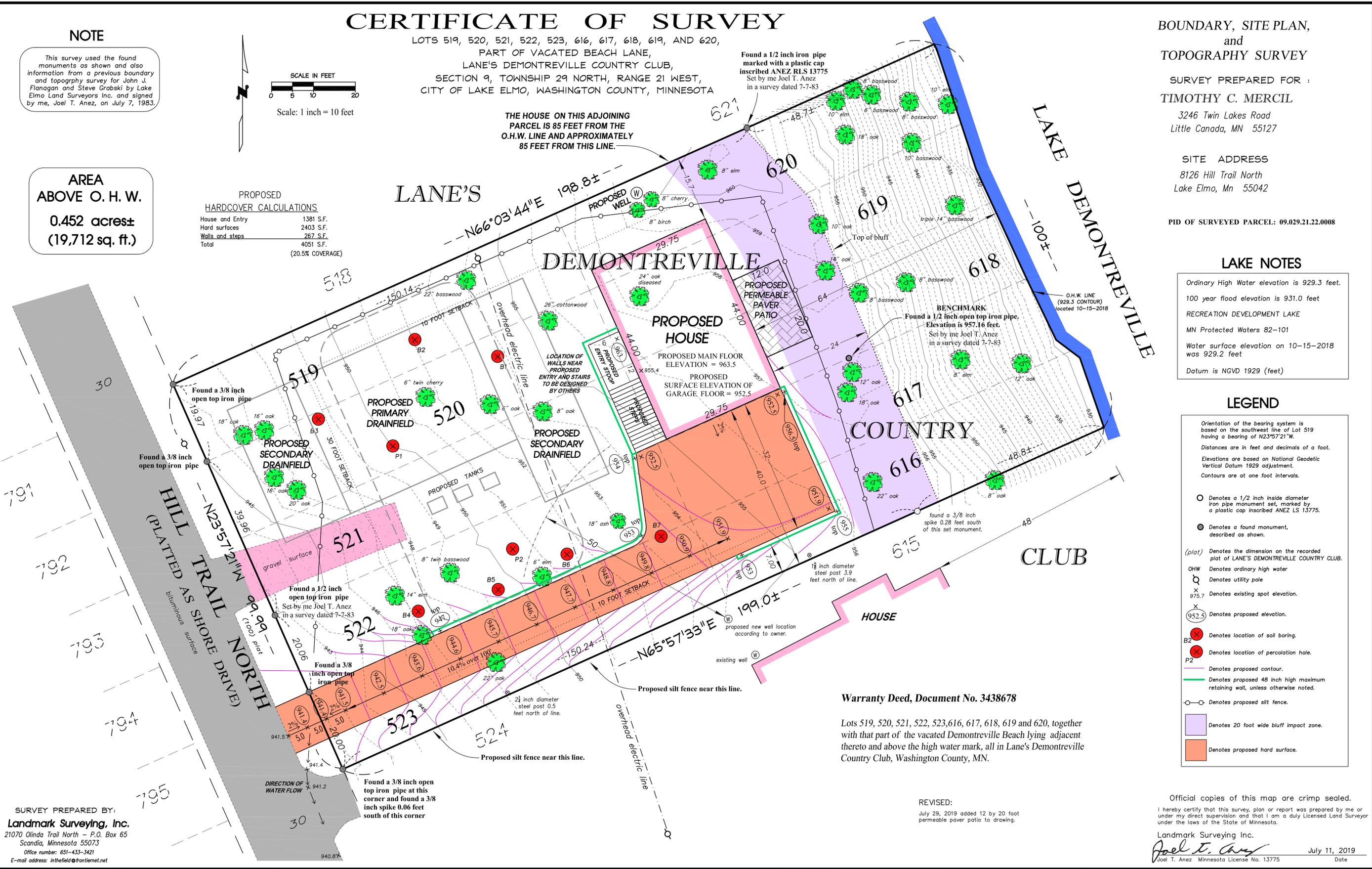
House and Entry	1381 S.F.
Hard surfaces	2403 S.F.
Walls and steps	267 S.F.
Total	4051 S.F.
	(20.5% COVERAGE)

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

BENCHMARK
Found a 1/2 inch open top iron pipe. Elevation is 957.16 feet. Set by me Joel T. Anez in a survey dated 7-7-83

found a 3/8 inch spike 0.28 feet south of this set monument.



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.

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@frontiernet.net

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 July 11, 2019
Joel T. Anez Minnesota License No. 13775 Date

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

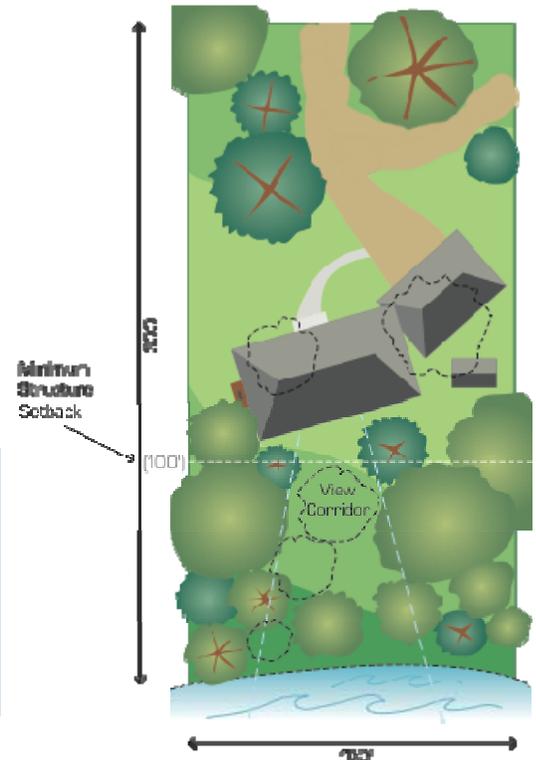
This is one of a series of examples developed as guidance for considering variance requests along lakes and rivers. Consult your local shoreland and floodplain ordinances.

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:

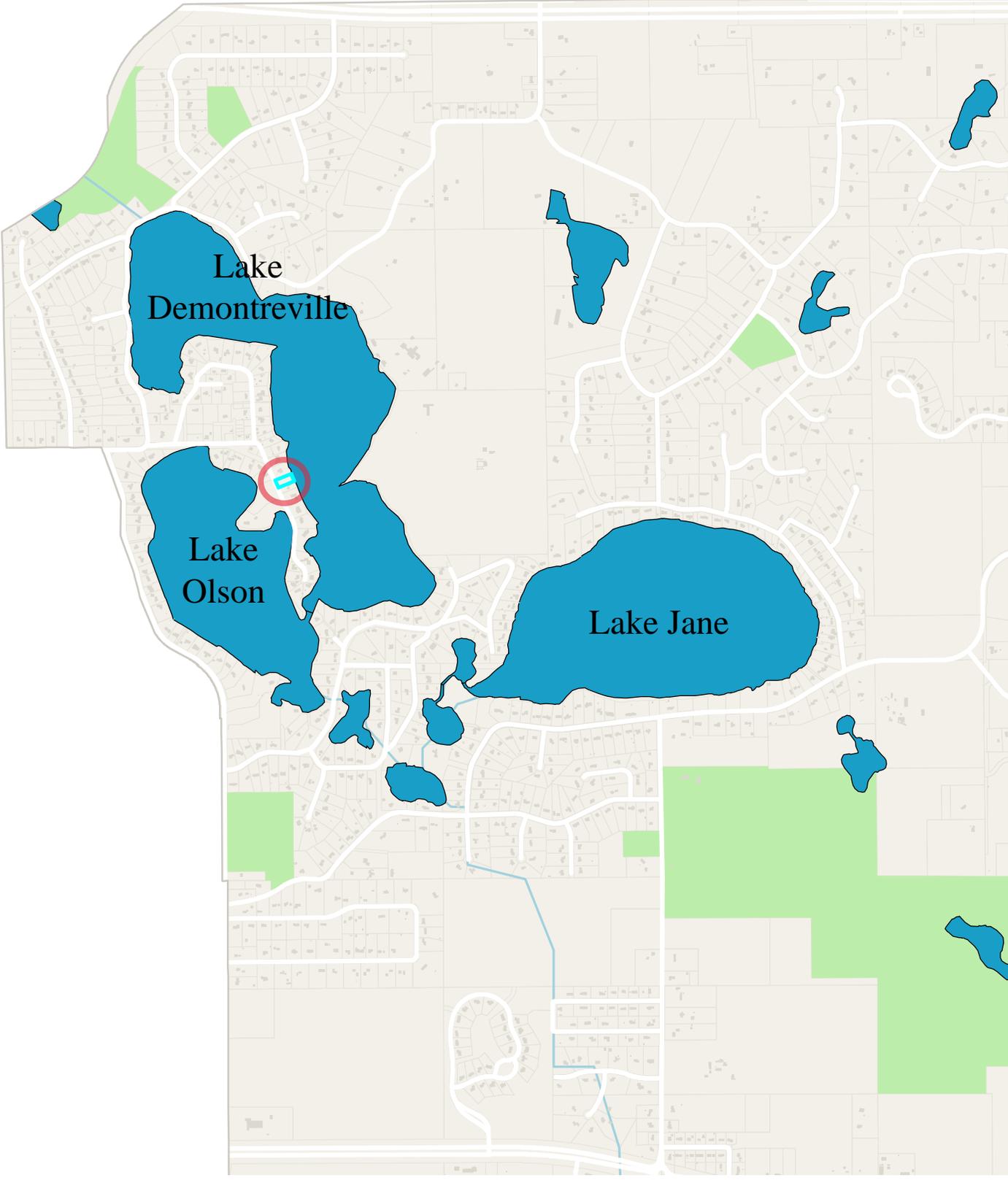
- If the applicant fails to prove that *all* criteria above are met, then the variance must be denied. For example, the local government could find that the building plans itself created the circumstances necessary for a variance rather than the any unique physical characteristics of the property.
- 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 City Of Lake Elmo

Permit Number 2019-1243

Owner Schranz Michael G & Ruth G

Owner Address 5831 Hytrail Ave , Lake Elmo Mn 55042

Applicant Timothy Mercil

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 _____

Geo Code 0902921220008

Designer David R. Brown

Type of System: New Installation Mound

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

bce191b19fa8c23965c034c2eaac6805

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 Pointe 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 Pointe 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 Pointe 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 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 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 NAD 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>

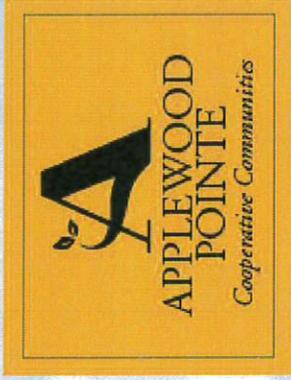
Below please find the requested tabulation of the proposed approximate allocations of land use expressed as percentages of the total project area for the following:

- 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



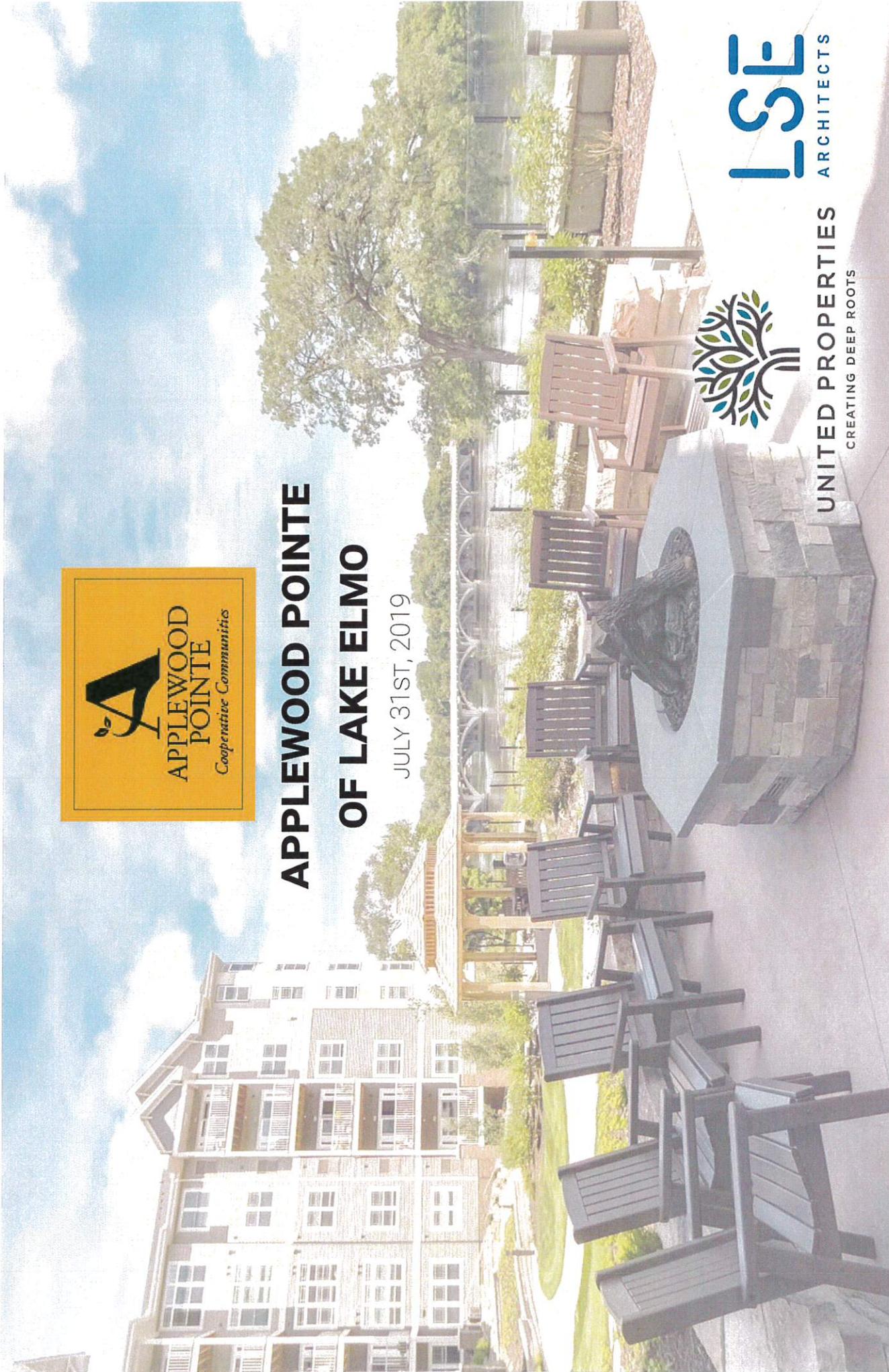
APPLEWOOD POINTE OF LAKE ELMO

JULY 31ST, 2019



UNITED PROPERTIES
CREATING DEEP ROOTS

LSE
ARCHITECTS



United Properties At A Glance

CREATING DEEP ROOTS

IMAGINING POSSIBILITIES
 Imagining possibilities means we challenge the status quo. We work with our clients to bring new ideas and approaches, working to add innovation, efficiency and solutions to every project. We have been awarded a number of awards for our hard work and better way.

STRENGTHENING COMMUNITIES
 Creating communities is about more than bricks and mortar. We play a very visible role in strengthening the fabric and being of the communities we serve.

LEAVING LASTING LEGACIES
 Creating legacies is essential for all of us. We are proud to be a part of a company that reflects positively on the industry and the long term good we strive to build. Our employees' talents are provided opportunity, recognition and advancement.

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 of office space since 2000
50 companies totaling 6 million+ square feet	Privately held by the Bonfad Companies	68 Employees

NOBLE AWARDS & RECOGNITION

TOP DEVELOPER
 United Properties has been named **MINNESOTA'S Best Business Award** for the 10th year in a row by *St. Paul Business Journal's* annual list of commercial real estate developers for the years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019.

BEST OF BUSINESS AWARD
 Best of Business Award for Best Commercial Real Estate Developer in 2018 and 2017.

INDUSTRIAL DEVELOPMENT OF THE YEAR UNVOC
 Properties Denver Office won **UNVOC Colorado's 2015 Industrial Development Award** for **Empire's Business Center BLDG** Phase 1 in 2014 and for Phase II in 2015.

COMMERCIAL REAL ESTATE AWARD
 Denver Office won **COMMERCIAL REAL ESTATE AWARD** for **Empire's Business Center BLDG** Phase 1 in 2014 and for Phase II in 2015.

MAJOR AWARDS OF EXCELLENCE
 United Properties won **MAJOR AWARDS OF EXCELLENCE** Award of Excellence in three categories when it was named **DEVELOPER OF THE YEAR** by the National Association of Industrial and Office Properties (NAIOP).



UNITED PROPERTIES

Senior Living



APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living at a Glance

July 31, 2019



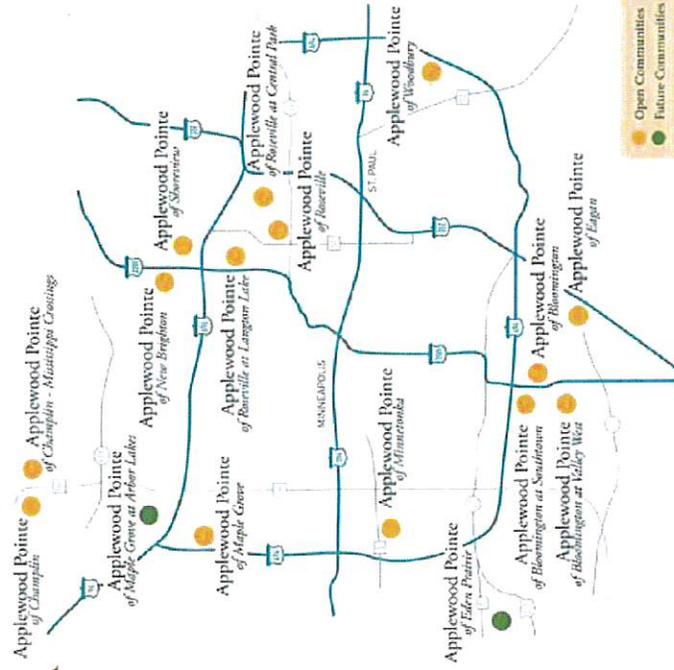


Minneapolis, North:
 763-316-0100
 Minneapolis, South:
 952-884-6400
 Denver Office:
 720.499.1083



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



Creating Deep Roots 9



APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living at a Glance

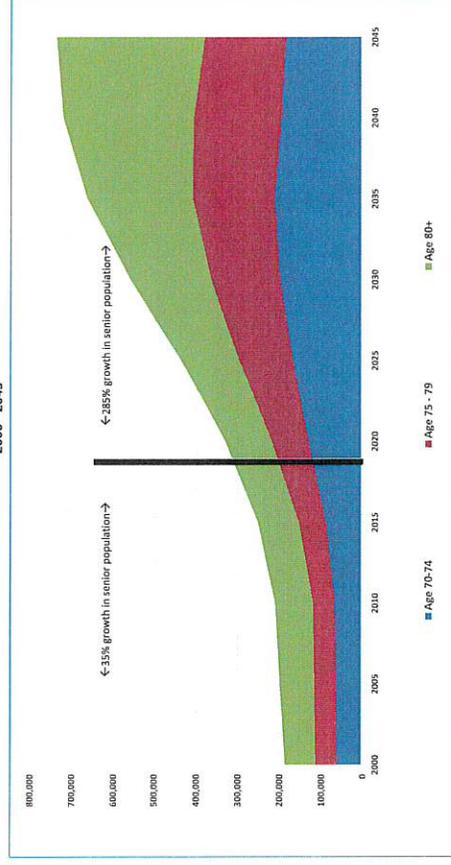
July 31, 2019



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

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



Creating Deep Roots 7



Creating Deep Roots 5



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

July 31, 2019

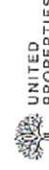


Senior Housing Helps Assure a Youthful City

- 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

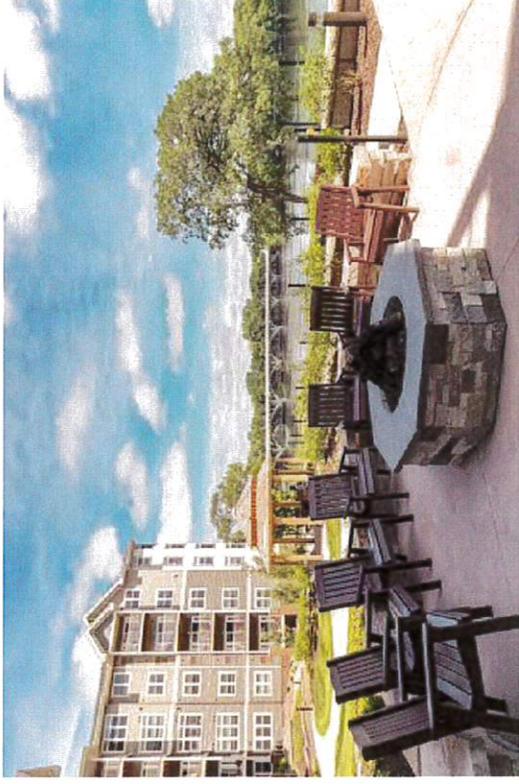
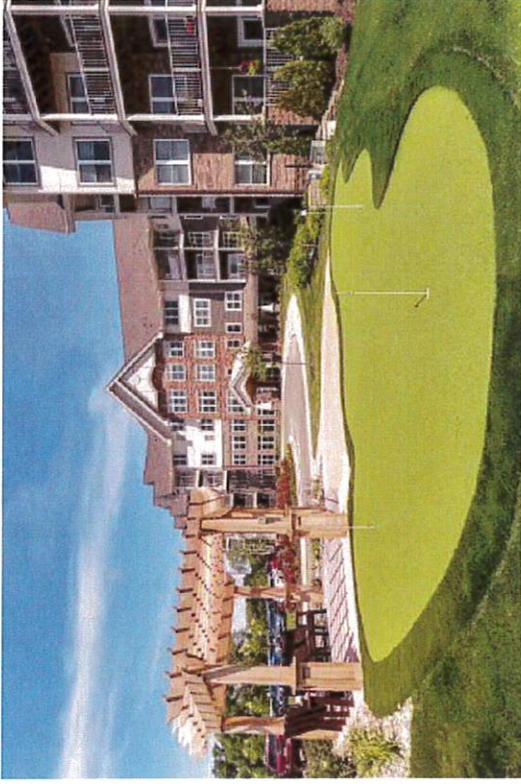
- Low traffic generator
- 3.7 trips per unit per day
- 20 peak a.m. trips; 26 peak p.m. trips. Residents avoid peak (rush hour)
- Comparison: Apartment 7.2 trips per day
Condominium 5.8 trips per day
Single Family 10.0 trips per day



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



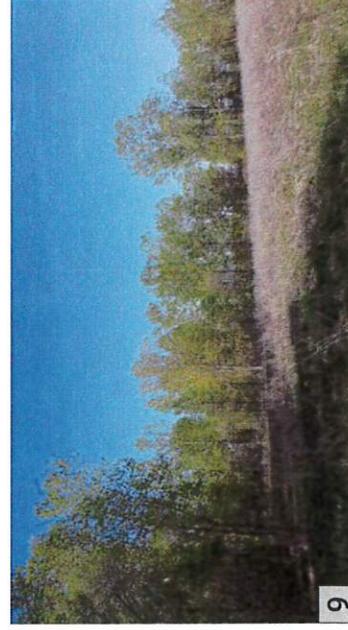
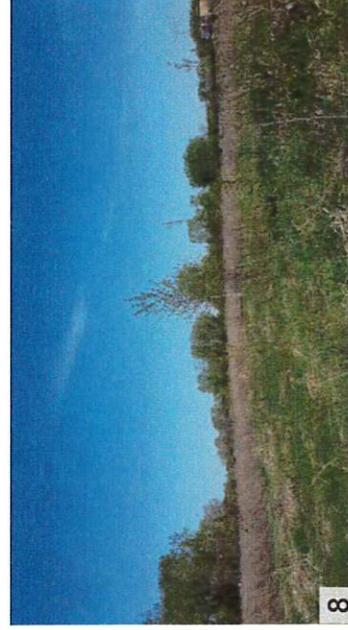
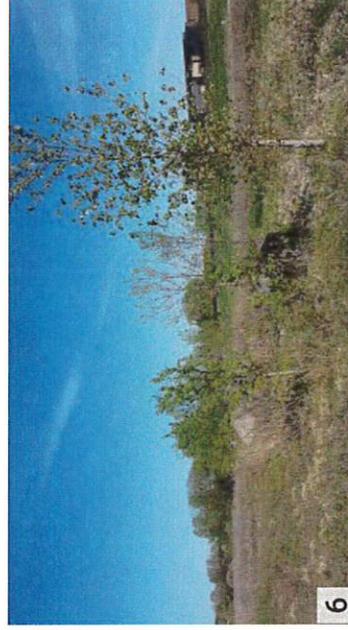
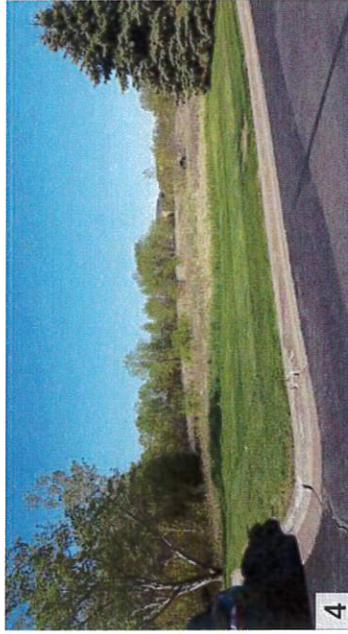
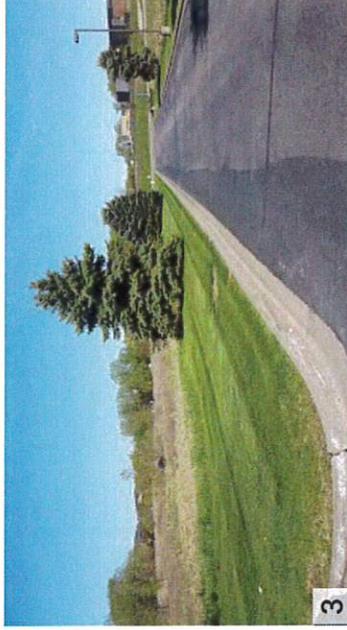


APPLEWOOD POINTE OF LAKE ELMO

United Properties - Senior Living Example

July 31, 2019





APPLEWOOD POINTE OF LAKE ELMO

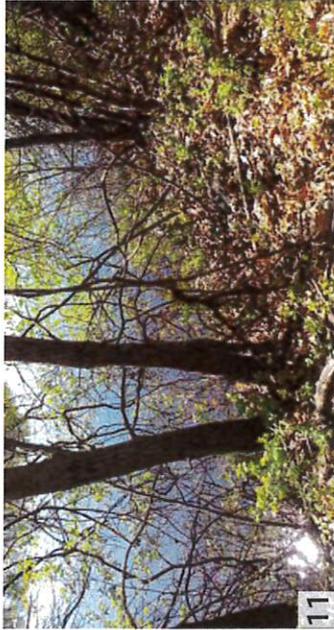
Existing Site Photos

July 31, 2019





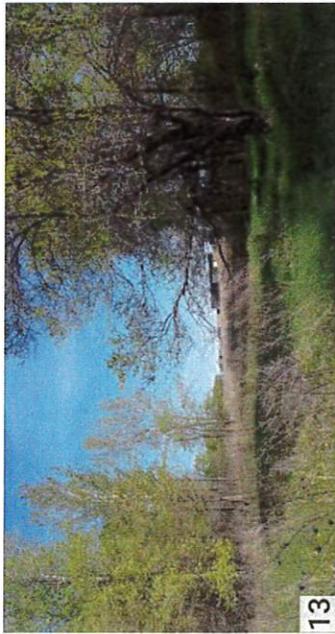
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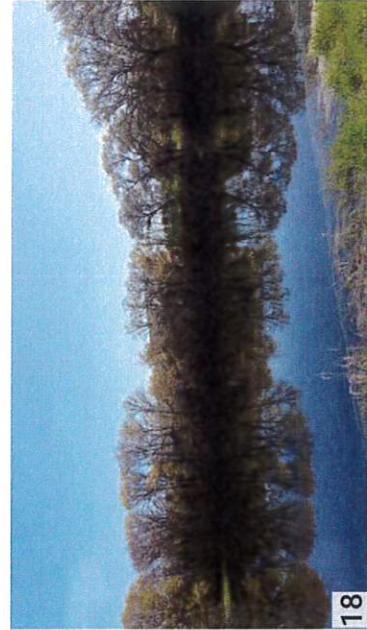
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APPLEWOOD POINTE OF LAKE ELMO

Existing Site Photos

July 31, 2019





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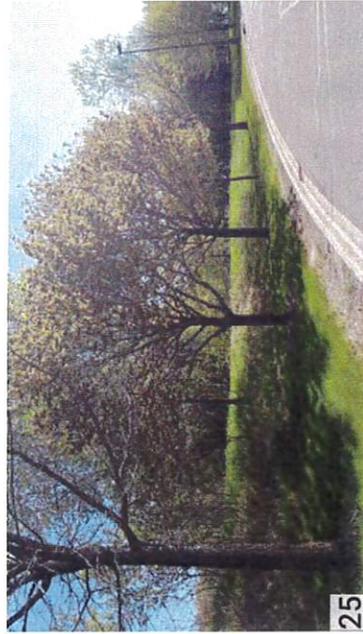
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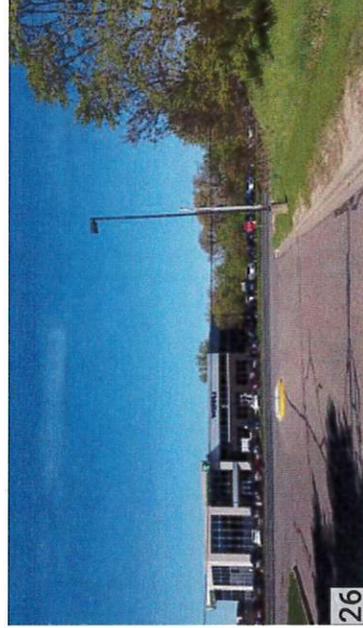
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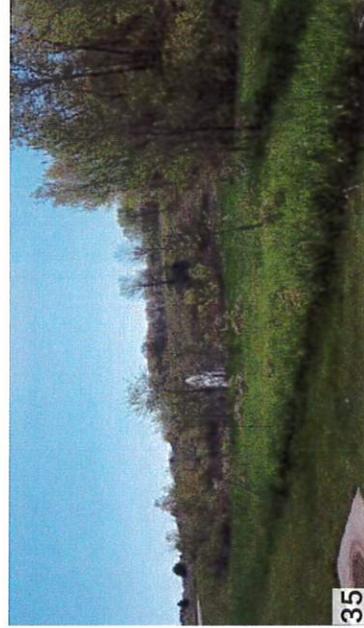


APPLEWOOD POINTE OF LAKE ELMO

Existing Site Photos

July 31, 2019



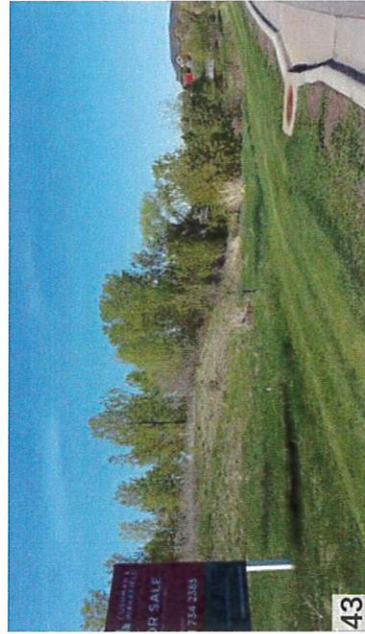


APPLEWOOD POINTE OF LAKE ELMO

Existing Site Photos

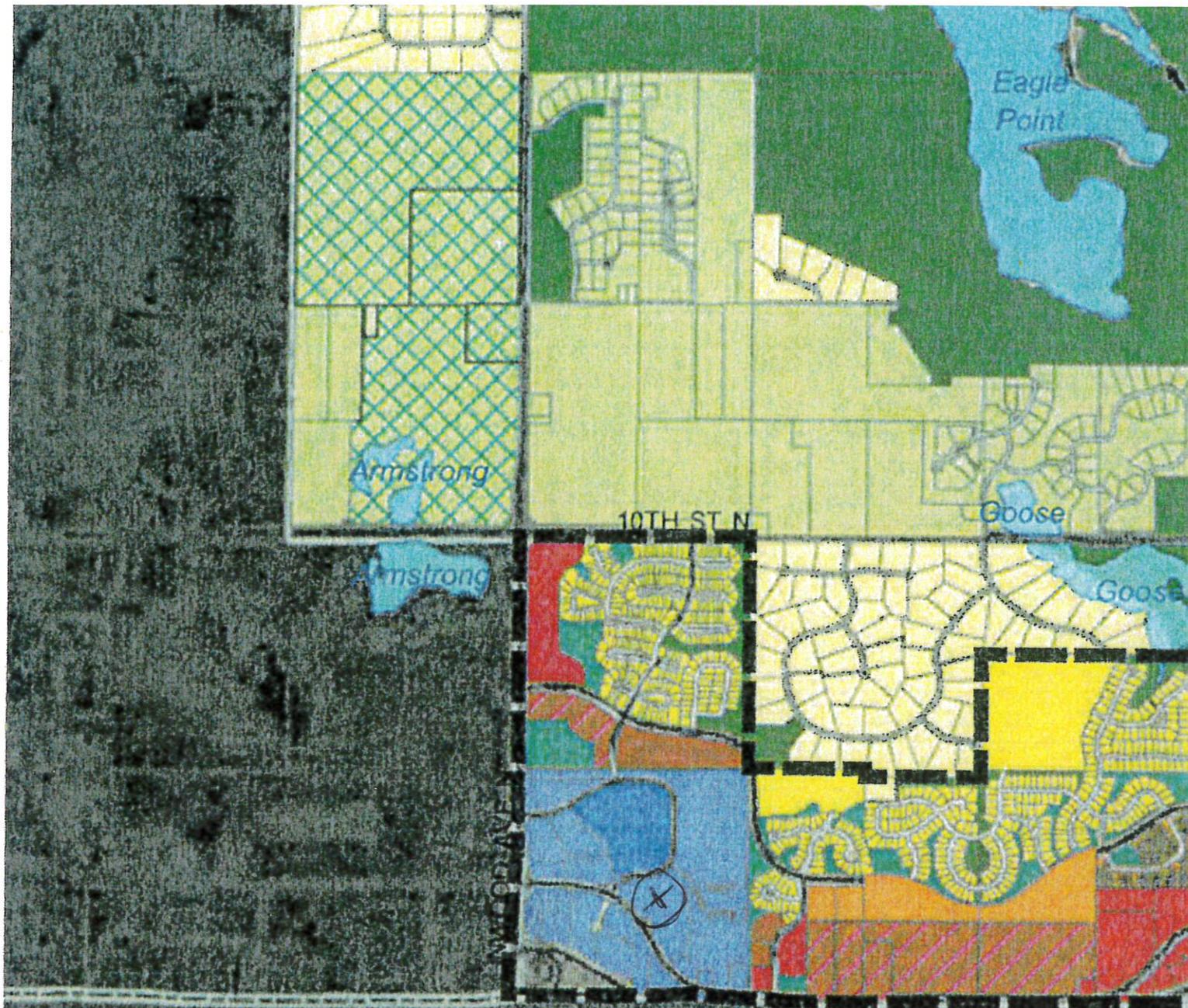
July 31, 2019





APPLEWOOD POINTE OF LAKE ELMO July 31, 2019
Existing Site Photos





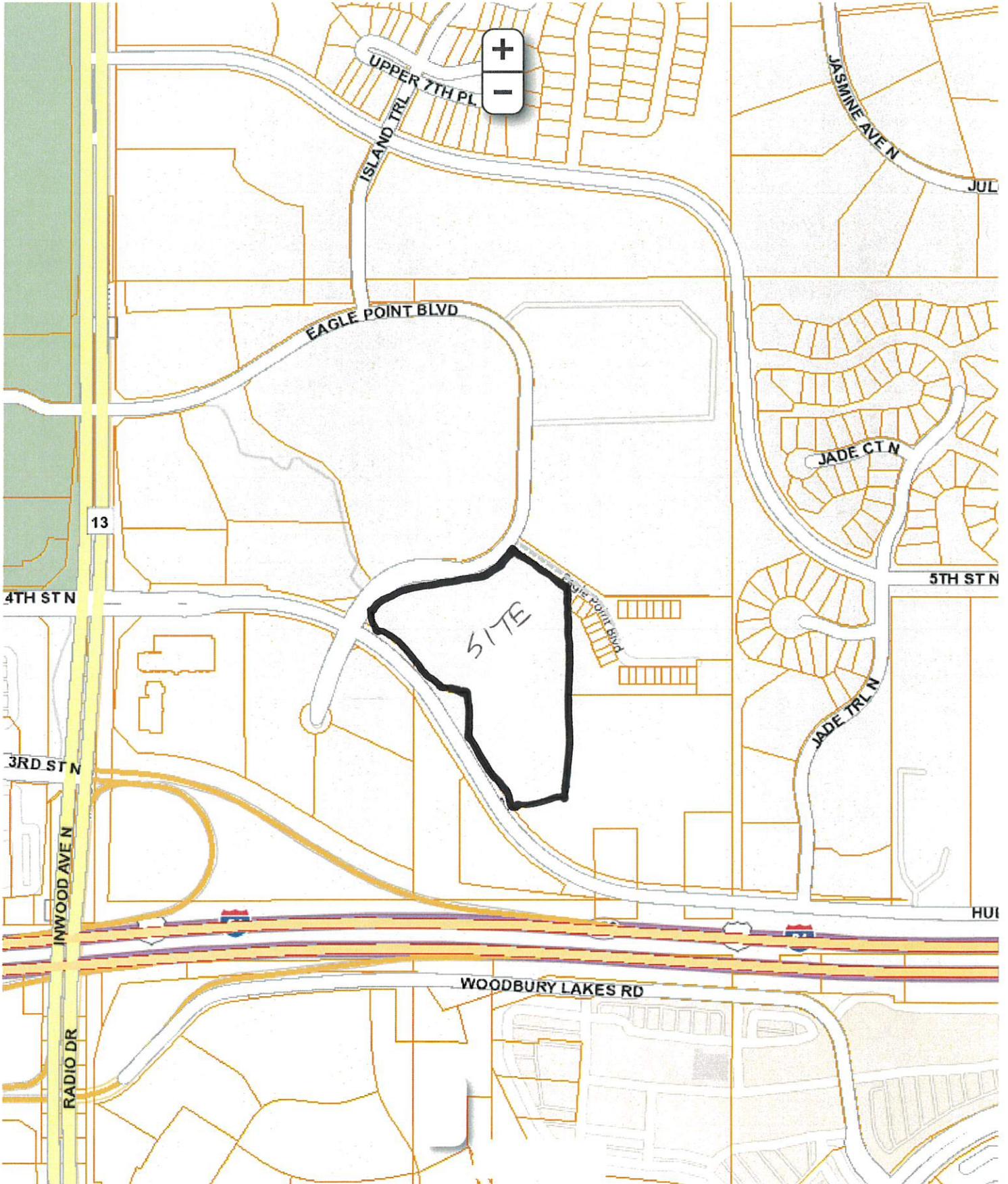
Legend

2040 Future Land Use	LDR	V-MDR	Closed Landfill	Plan
AP	MDR	V-HDR	Institutional	
RAD	HDR	V-MU	Park	
RSF	MU-BP	LB	PSP	
RSFS	MU-C	BP	ROW	
GC	V-LDR	C	MUSA 2040 (Revised)	

ZONING NOW IS BP-PUD (1999 APPROVAL)

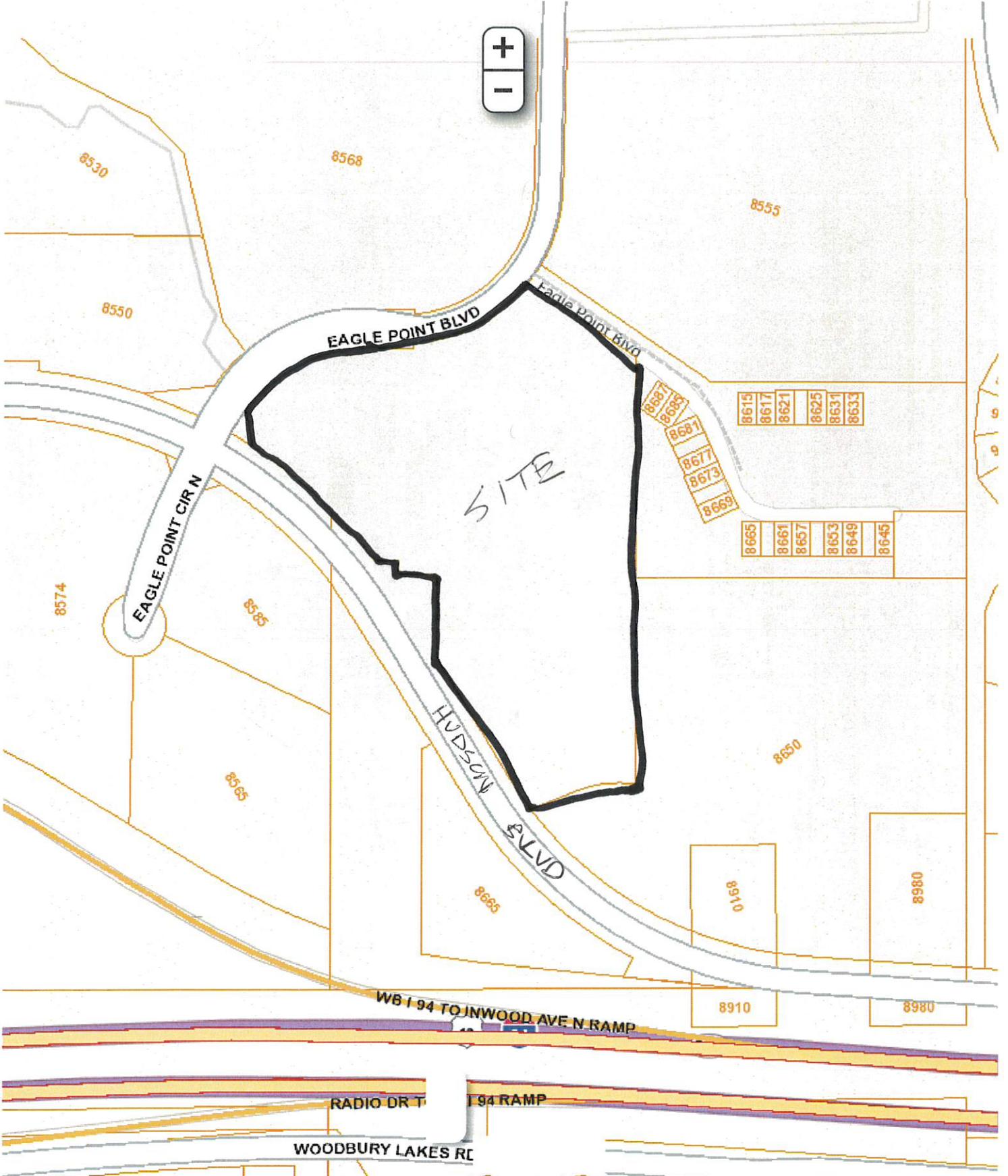


Property Viewer



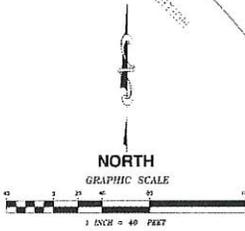
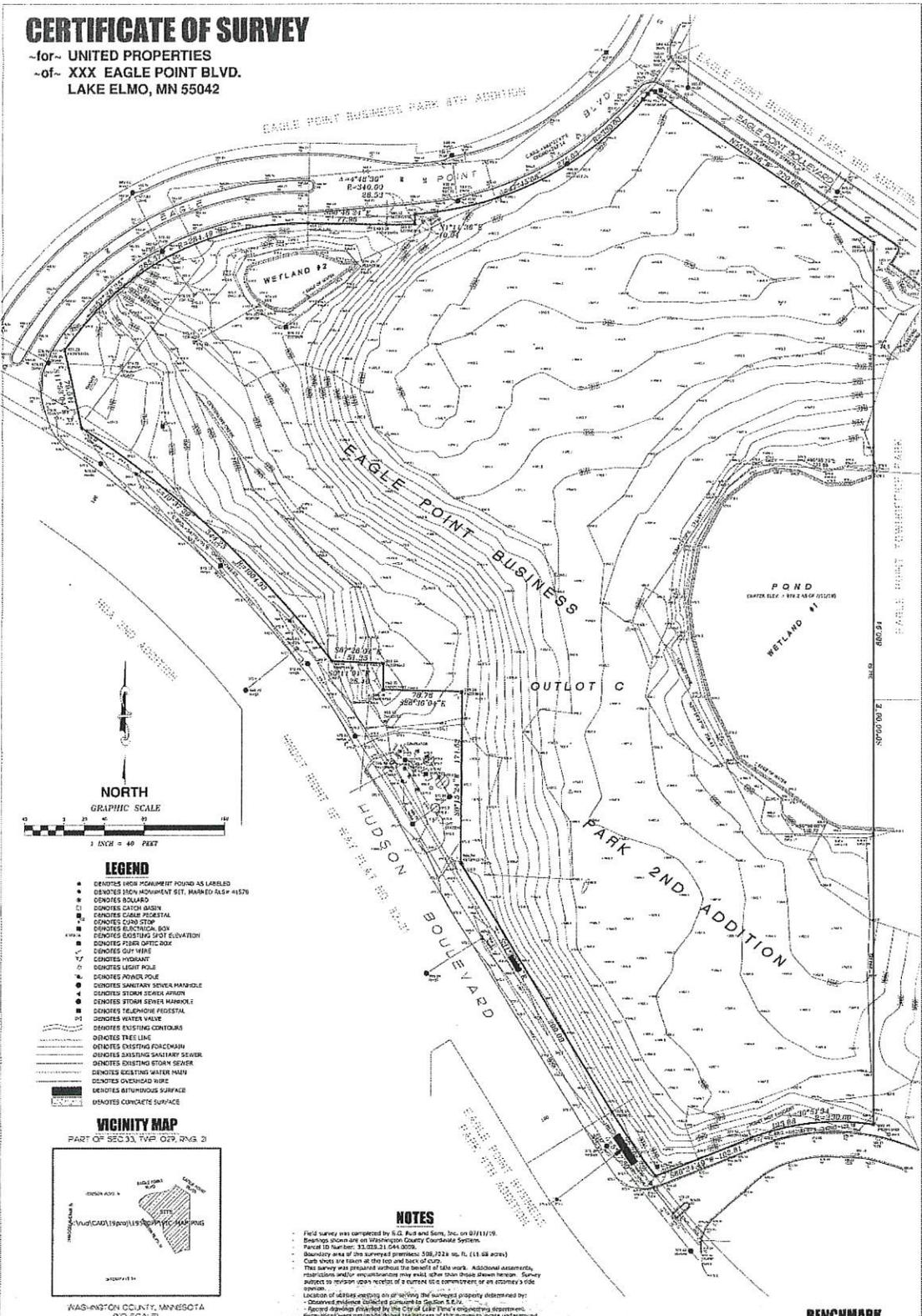


Property Viewer



CERTIFICATE OF SURVEY

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

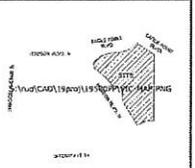


LEGEND

- DENOTES IRON PILE FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED AS# 41578
- DENOTES BOUNDARY
- DENOTES CATCH BASIN
- DENOTES CURB RESTRICTOR
- DENOTES CURB STOP
- DENOTES EXISTING SIGN
- DENOTES EXISTING SPOT ELEVATION
- DENOTES PAPER OPTIC BOX
- DENOTES QUIET HOLE
- DENOTES HYDRANT
- DENOTES LIGHT POLE
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES STORM SEWER MANHOLE
- DENOTES STORM SEWER MANHOLE
- DENOTES TELEPHONE PEDestal
- DENOTES WATER VALVE
- DENOTES EXISTING CONTOUR
- DENOTES TREE LINE
- DENOTES EXISTING FENCE/CHAIN
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

VICINITY MAP

PART OF SEC 33, TWP. 029, R. 10 E



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

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

NOTES

- 1. Field survey was completed by F.E.G. Rud and Sons, Inc. on 03/11/19.
- 2. Bearings shown are on Washington County Course/Scale System.
- 3. Parcel ID Number: 22.023.21.04.0028.
- 4. Boundary area of the surveyed premises 308,722 sq. ft. (11.68 acres).
- 5. Curve shows the inside of the top and back of cuts.
- 6. This survey was prepared without the benefit of title work. Additional assessments, map copies and/or measurements may exist, other than those shown herein. Surveyor subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- 7. Location of utilities existing on or affecting the surveyed property determined by:
 - Observed evidence furnished pursuant to Section 5.01.
 - Agreed location provided by the City of Lake Elmo's engineering department.
 - Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of unobserved utilities and/or structures may vary from locations shown herein, and additional underground utilities and/or structures may be encountered. Changes to the location of utilities and/or structures may vary from location shown herein, and additional underground utilities and/or structures may be encountered. Changes to the location of utilities and/or structures may vary from location shown herein, and additional underground utilities and/or structures may be encountered.
- 8. 454-0023 for replacement of utility type and field location, prior to installation.
- 9. Field notes were prepared by F.E.G. Rud and Sons, Inc. on 03/11/19.

BENCHMARK

BM01 STATION: MNGALP-1947
ELEVATION = 206.63 (MVD 28)

DATE	BY	DESCRIPTION	BY

PROPERTY DESCRIPTION

OUTLOT C, EAGLE POINT BUSINESS PARK 2ND ADDITION, Washington County, Minnesota.

MSO# E. 100
Date: 03/11/19 License No. 41578

18500FP



UNITED PROPERTIES
CREATING DEEP ROOTS

APPLEWOOD POINTE OF LAKE ELMO July 31, 2019
Site Survey





Property Viewer





APPLEWOOD POINTE OF LAKE ELMO July 31, 2019
Site Map



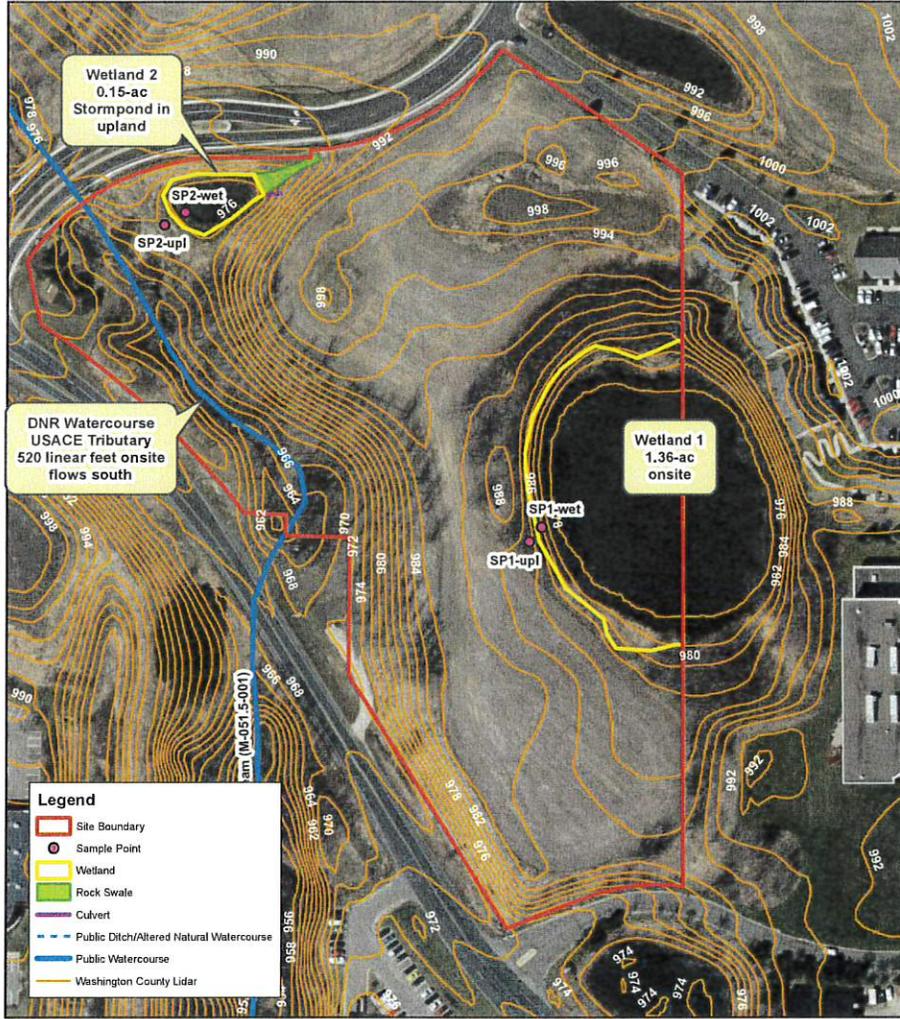


Figure 2 - Existing Conditions



KJØLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: MNGEO Spatial Commons

N



0 150 Feet

Applewood Pointe of Lake Elmo (KES 2019-092)
Lake Elmo, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

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

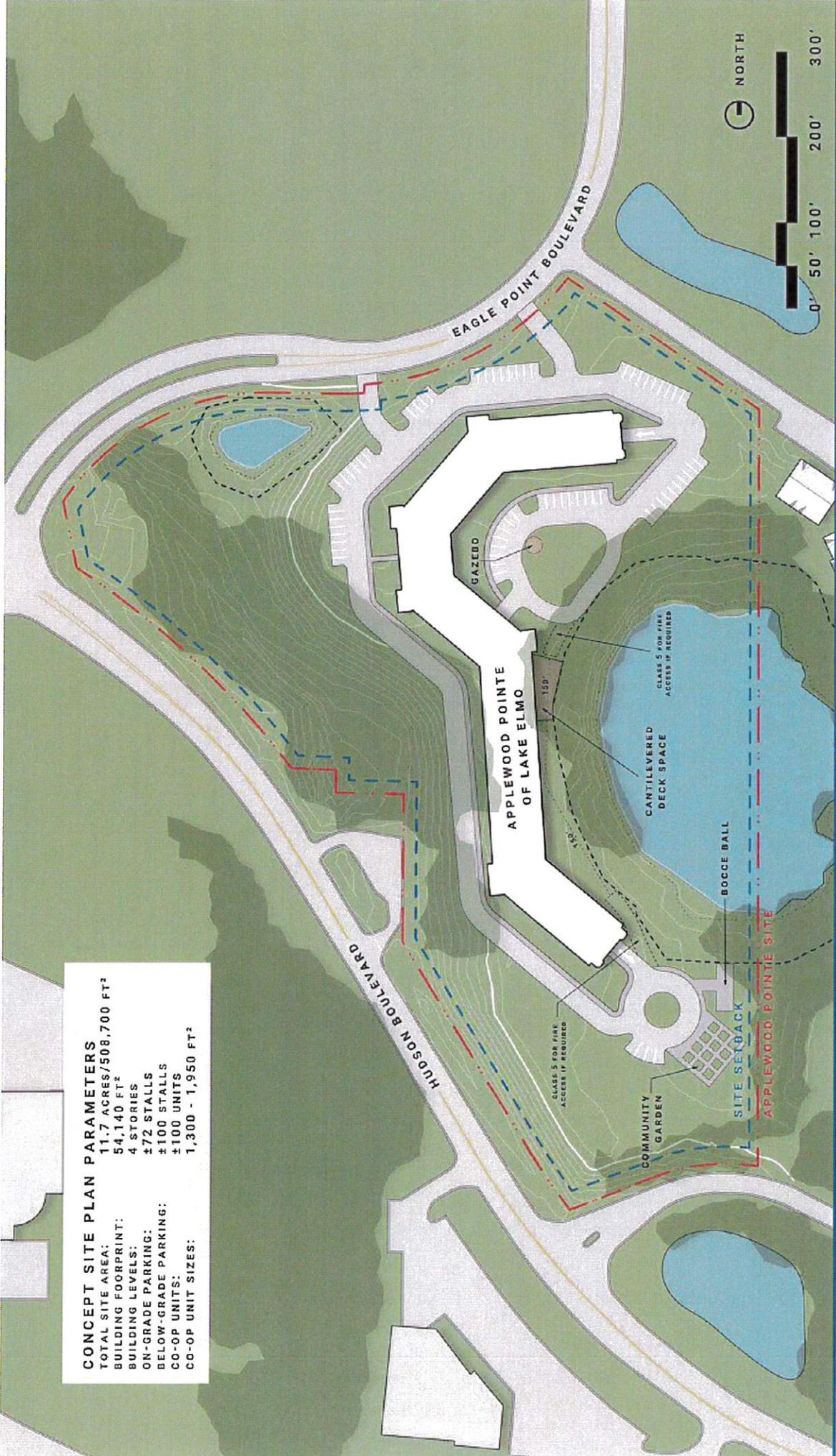


APPLEWOOD POINTE OF LAKE ELMO
Site Survey Analysis

July 31, 2019



CONCEPT SITE PLAN PARAMETERS
 TOTAL SITE AREA: 11.7 ACRES/508,700 FT²
 BUILDING FOOTPRINT: 54,140 FT²
 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 FT²



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 MCEC 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.