



## STAFF REPORT

DATE: 7/17/18

**REGULAR**

ITEM #: 14

TO: City Council

FROM: Emily Becker, Planning Director

AGENDA ITEM: Reconsideration of Wildflower at Lake Elmo Planned Unit Development (PUD) Amendment

REVIEWED BY: Kristina Handt, City Administrator

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### **BACKGROUND:**

Council has requested to reconsider the PUD Amendment that was approved on June 6, 2017. The PUD amendment afforded the following flexibilities for the development, in addition to the flexibilities already allowed per the resolution approving the Preliminary PUD:

- Conservation and Prairie Lots will have setbacks consistent with the LDR zoning.
- Reduced rear yard setback on Lots 17 and 18, Block 3, Wildflower 1st Addition shall be 15 feet.
- Driveway locations will be flexible on Lots 12, 13 and Lot 17, Block 3, Wildflower 1st Addition; and the highlighted lots in phase 3 shown on Exhibit A
- Up to 6% impervious coverage is allowed beyond the 50% impervious coverage maximum for the courtyard lots if the additional impervious utilizes pervious paving.
- A single 400 sq. ft. storage structure shall be allowed on Outlot A, Wildflower 2nd Addition subject to a 10' setback from public R/W and an additional 200 sq. ft. covered trellis area attached to the garage.

The focus of the requested amendment is on the requirement that 6% increase in impervious coverage utilize pervious paving. The original PUD did not address impervious surface, and so the base zoning district regulations (maximum 50% impervious surface) apply. The reason for the request was because a builder within the development had requested a building permit that provided a survey that did not meet that maximum impervious surface requirements. Subsequent to the PUD amendment approval, that builder had submitted for a building permit application which proposed impervious surface coverage of 52.4%. The builder had agreed and indicated on the building permit application to install permeable pavers for the driveways. While Staff suggested that the builder instead amend the layout of the site to decrease impervious surface to 50% in order to avoid having

to install the pervious pavers, as the 2.4% increase only requires removal of 163 square feet of impervious surface, but the builder was not open to this idea. Recently, that same builder has come back to the City asking for an alternative solution because of the cost of these pavers.

### **ISSUE BEFORE COUNCIL:**

The issue before Council is whether to approve or deny an amendment to the Resolution approving a PUD Amendments previously requested by Engstrom Companies for the Wildflower at Lake Elmo PUD.

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

**Stormwater.** Staff had contacted the Valley Branch Watershed District had indicated that the provided stormwater treatment volume is adequate for the PUD amendment request. Additionally, the City Engineer has stated that generally pervious pavers do not necessarily decrease runoff. As such, Staff has prepared a Resolution which removes the requirement that the increase in impervious surface utilize pervious pavers.

**Alternative Mitigation.** If the Council would still like to mitigate the increased impervious surface, the amendment may be made to provide the option of installing a raingarden. In order to mitigate the increase in 163 square feet, a raingarden 14.94 cubic feet in size would need to be installed on the property (163 square feet \* 1.1 inches \* one foot/12 inches=14.94). As such, Staff has prepared two resolutions in the case Council would like to go in this direction.

**Additional Note.** It should be noted that no building permits have been issued in the Wildflower Development since the PUD amendment was approved. Therefore, no applicant has been required to install pervious pavers.

**Public Hearing Required.** Since the PUD amendments have already been approved by Council and in effect have amended the PUD, and a PUD amendment requires a public hearing, Council will need to hold a public hearing. Notice has been published in the official City newspaper, and notices have been sent to property owners within 350 feet of the development as required by ordinance.

### **FISCAL IMPACT:**

None.

### **OPTIONS:**

The Council has the following options:

1. Adopt Resolution 2018-074 amending the Wildflower Planned Unit Development, not requiring utilization of pervious pavers for impervious coverage over 50% to 56%
2. Adopt Resolution 2018-074a adding an option for a raingarden in addition to pervious pavers to mitigate impervious coverage over 50% to 56%
3. Amend Resolution 2018-074 and adopt as amended
4. Do not adopt Resolution 2018-074

**RECOMMENDATION:**

Staff recommends that Council amend the Resolution approving the Wildflower at Lake Elmo PUD amendment by either removing the requirement that impervious coverage above 50% - 56% require pervious pavers or adding the option of installing a raingarden to mitigate the increase.

***“Move to adopt Resolution 2018-074/2018 074a approving the Wildflower at Lake Elmo Planned Unit Development PUD Amendment.”***

**ATTACHMENTS:**

- Resolution 2018-074 removing pervious pavers requirement
- Resolution 2018-074a adding option for raingarden

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

**RESOLUTION NO. 2018-074**

*A RESOLUTION APPROVING THE WILDFLOWER AT LAKE ELMO PLANNED UNIT  
DEVELOPMENT AMENDMENTS*

**WHEREAS**, the City Council adopted Resolution 2015-023 approving the Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans on April 7, 2015; and

**WHEREAS**, the City Council adopted Resolution 2015-060 on July 21, 2015 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 1<sup>st</sup> Addition; and

**WHEREAS**, the City Council adopted Resolution 2016-106 on December 6, 2016 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 2<sup>nd</sup> Addition; and

**WHEREAS**, the City Council adopted Resolution 2018-025 on March 20, 2018 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 3<sup>rd</sup> Addition;

**WHEREAS**, Robert Engstrom Companies made application for amendments to the approved Planned Unit Development Plans and Agreement on April 21, 2017; and

**WHEREAS**, the City Council adopted Resolution 2017-048 approving amendments to the approved Planned Unit Development Plans and Agreement on June 6, 2017; and

**WHEREAS**, the City Council wishes to reconsider previously approved amendments to the approved Planned Unit Development Plans and Agreement

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

**FINDINGS**

1. The PUD amendment is consistent with the Comprehensive Plan designation for the subject property.
2. The PUD amendment is generally consistent with the Wildflower at Lake Elmo PUD Concept Plan and Preliminary PUD Plans.
3. The PUD amendment has provided the City additional benefit in exchange for additional PUD flexibility consistent with the PUD regulations.
4. The PUD amendment meets the PUD objectives set forth in Section 154.751 of the City Code.

5. The PUD amendment will have no impact on stormwater management for the development.
6. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land with the following amendments:
  - o Up to 6% impervious coverage is allowed beyond the 50% impervious coverage maximum for the courtyard lots.

### **CONCLUSIONS AND DECISION**

Based on the foregoing, the PUD Amendment is approved.

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

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

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

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Mike Pearson, Mayor

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Julie Johnson, City Clerk