

PC DATE: 10/15/02

CC DATE: 10/28/02

REVIEW DEADLINE:

CASE #: 2002-3 PUD

By: Aanenson:v

PROPOSAL: Conceptual PUD of 88.5 acres of property for 540 residential units.

LOCATION: East side of Audubon Road, south of Lyman Boulevard and north of Pioneer Trail (E ½ of the NE ¼ of Section 27, Twp 116, Rng 23 West)

APPLICANT: Town & Country Homes
7615 Smetana Lane, Suite 180
Eden Prairie, MN 55344
952-253-0474

PRESENT ZONING: A2, Agricultural Estate

2020 LAND USE PLAN: Office/Industrial, Residential Medium Density, and Parks and Open Space

ACREAGE: 87.4 acres gross 71.0 net acres

DENSITY: 6.2 units/acre – gross; 7.6 units/acre – net

SUMMARY OF REQUEST: Requesting Concept Planned Unit Development Approval for a multi-family housing project.

Notice of this public hearing has been mailed to all property owners within 500 feet.

EXECUTIVE SUMMARY

Town and Country Homes is requesting a rezoning to allow for a mix residential development. This item was first at the August 6th Planning Commission meeting. The subject site is 88.5 acres (gross) and is currently zoned A-2 (Agricultural Estates). The subject site, the "Bernardi" parcel, is located in the 2005 MUSA area. The applicant is seeking conceptual PUD rezoning approval. Staff recommended the PUD because this site is guided for medium density residential zoning as well as being in the Bluff Creek Overlay district. The tool that the city has to cluster density out of the primary district is the PUD. As per the PUD ordinance "approval of the concept statement shall not obligate the city to approve the final plan or any part thereof or to rezone the property to a planned unit development district." The purpose of the concept plan is to outline the issues that the applicant will have to further develop in order to proceed with preliminary subdivision and rezoning to PUD. The overall review process is anticipated to take a couple of years. Staff is not proposing to advance the MUSA any sooner than 2005.

Staff is recommending that as a part of the PUD a variety of housing types (products not currently in the city) and different price points. The city does participate in the Livable Communities Act and has goals for housing diversity and affordability. As a part of this project staff is anticipating that the developer works towards achieving these goals.

Since the last Planning Commission meeting staff has worked to inform the Planning Commission on how the land use recommendations were selected in the 2005 MUSA area. In addition the staff has been working to educate the commission on how a substantial PUD can be developed and the importance of the Town and Country project to the greater 2005 MUSA area.

Concept PUD - What is required?

The intent of the concept plan is to get direction from the commission and council without incurring a lot of expensive. There will be a greater level of detail required through the city code and the conditions of approval in this report. Following are the requirements for conceptual PUD approval.

Sec. 20~517 General concept plan. Chanhassen City Code

(a) The general concept plan for a PUD provides an opportunity for the applicant to submit a plan to the city showing the basic intent and the general nature of the entire development without incurring substantial cost. The plan shall include the following:

- (1) Overall gross and net density.
- (2) Identification of each lot size and lot width.
- (3) General location of major streets and pedestrian ways.
- (4) General location and extent of public and common open space.
- (5) General location and type of land uses and intensities of development.
- (6) Staging and time schedule for development.

(b) The tentative written consent of all property owners within the proposed PUD shall be filed with the city before the staff commences review. Approval of the concept statement shall not

obligate the city to approve the final plan or any part thereof or to rezone the property to a planned unit development district.

(c) The final acceptance of land uses is subject to the following procedures:

- (1) The developer meets with the city staff to discuss the proposed developments.
- (2) The applicant shall file the concept stage application and concept plan, together with all supporting data.
- (3) The planning commission shall conduct a hearing and report its findings and make recommendations to the city council. Notice of the hearing shall consist of a legal property description, description of request, and be published in the official newspaper at least ten (10) days prior to the hearing, written notification of the hearing shall be mailed at least ten (10) days prior thereto to owners of land within five hundred (500) feet of the boundary of the property and an on-site notification sign erected.
- (4) Following the receipt of the report and recommendations from the planning commission, the city council shall consider the proposal. If the planning commission fails to make a report within sixty (60) days after receipt of the application, then the city council may proceed without the report. The council may approve the concept plan and attach such conditions, as it deems reasonable. Approval shall require a four-fifths vote of the entire council.

Actions required

Environmental Assessment

This project will require an Environmental Assessment Worksheet "EAW" because it will have more than 375 attached dwelling units. Another and more comprehensive alternative to the EAW would be an Alternative Urban Area Wide Review Process (AUAR). The review would include the entire 2005 study area. The review would include:

- A. A land use plan designating the existing and proposed location, intensity, and extent of use of land and water for residential, commercial, industrial, agricultural and other public and private purposes.
- B. A public facilities plan describing the character, location, timing, sequence, function, use, and capacity of existing and future public facilities of the local governmental unit. The public facilities plan must include at least the following parts:
 1. A transportation plan describing, designating, and scheduling the location, extent, function, and capacity of existing and proposed location of public and private transportation facilities and services; and
 2. A sewage collection system policy plan describing, designating and scheduling the areas to be served by the public system, the existing and planned capacities of the public system, and the standards and conditions under which the installation of private sewage treatment system will be permitted.
- C. An implementation program describing public programs, fiscal devices, and other actions to be undertaken to implement the comprehensive plan. The implementation plan must include a description of official controls addressing the matters of zoning, subdivision and private sewage systems, a schedule for the implementation of those controls, and a capital improvements program for public facilities.

Even though not all of the property is ready to develop at this time, staff is proposing to work with this applicant and other property owners to pursue the AUAR environmental review process.

2. Rezoning

Rezoning of this property to medium density or industrial would be consistent with the comprehensive plan. If the commission were to recommend the industrial land use rather than the medium density findings would have to be prepared.

BACKGROUND

With the development of the comprehensive plan in 1999, this property was given the two land use alternatives: residential or industrial, as well as parks and open space within the Bluff Creek Corridor. The reason it was given both potential land uses was that the site has been and is farmed and is relatively flat. In calculating the city's 2020 land use designations this 80-acre site was calculated at 50 percent industrial and 50 percent medium density residential. (The city's 2020 land use for industrial zoning was estimated at 1,269 acres or 8.6 percent of ultimate commercial. If this site were to be developed as all residential, there would be 40 acres less of industrial land or a reduction from 1,229 or a percentage reduction of .03 percent to 8.3 percent.)

Based on the developer's calculations of net developable (71 acres) with a maximum of 8 units an acre, the maximum number of units could be 568. However all of the standards of the PUD (impervious surface, parking, etc.) must be met before it can be certain how many units can fit on the site. Again design of the housing units will be evaluated as a part of this project. Architectural design standards will be developed as part of the PUD. Staff's direction to the applicant is to provide a variety of housing types and prices within the development.

The subject site is anticipated to be in the Metropolitan Service Area in 2005. This does not mean that the area is ready to develop. A plan must be developed as to how the urban services will be installed. There is an existing lift station at Lyman Boulevard that will service this area. A feasibility study will be required to determine where the sewer and water will be placed to serve this area and the cost of assessments. In addition, a road system will have to be developed to serve the rest of the parcels in this area. The AUAR environmental assessment will also help to determine development of the area to be studied and evaluated.

Once the AUAR has been developed and the issued scoped it will the input of the cit to work to develop the PUD some guiding principles should be generated. These principles may include key words such as: Sense of Place, Diversity and Balance, Sustainability/Conservation/Preservation, Live work etc. Staff has recommended some specifics issues as a part of the conditions of approval.

Bluff Creek Overlay District

A part of this site is in the Bluff Creek Overlay District. The tool used to preserve areas within the primary district is density transfers. Again this is why the staff is recommending the PUD zoning.

ANALYSIS

Following are conceptual comments that the various city divisions have offered as further refines that need to be made for the next level of review. The Alternative Urban Area wide Review Process will address these issues in greater detail.

Engineering

- An east/west collector street will be required to connect the developing area with Audubon Road. The location of the collector will be determined in the future during the preliminary plat design phase. The developer of this parcel will be responsible for building the street; however, the City will pay for the additional expense of constructing the road from a standard street to a collector. This collector street may require crossing Bluff Creek.
- A trunk sanitary sewer main will be needed to service the development and surrounding area. This main will be a gravity flow sewer that drains north to Lift Station #24 at the corner of Audubon & Lyman Blvd. The City has planned for the construction of this trunk sewer main in 2005 within the 5-year CIP (Capital Improvement Program).

Likewise, a trunk watermain will also be required to serve the development and surrounding areas. The City has listed this trunk watermain as a 2005 project in the 5-year CIP.

Building Comments

- a. Accessibility will have to be provided to all portions of the development and a percentage of the units may also be required to be accessible or adaptable in accordance with Minnesota State Building Code Chapter 1341. Further information is needed to determine these requirements.
- b. The State of Minnesota is in the process of adopting the International Building Code and revising Chapter 1306 of the Minnesota State Building Code regarding fire protection systems. It is not yet entirely clear how these changes will affect residential construction. It is important that the developer meet with the Inspections Division prior to platting the property to determine what ramifications the new codes will have on the project.
- c. The buildings will be required to be designed by an architect and engineer as determined by the Building Official.
- d. The developer and or their agent shall meet with the Inspections Division as early as possible to discuss plan review and permit procedures.

Fire Marshal Comments

The Fire Marshal has reviewed the above rezoning plan. In order to comply with the Chanhassen Fire Department/Fire Prevention Division, he has the following fire code or city ordinance/policy requirements. The plan review is based on the available information submitted at this time. If additional plans or changes are submitted, the appropriate code or policy items will be addressed.

1. A 10-foot clear space must be maintained around fire hydrants, i.e., street lamps, trees, bushes, shrubs, Qwest, Xcel Energy, cable TV and transformer boxes. This is to ensure that fire hydrants can be quickly located and safely operated by firefighters. Pursuant to Chanhassen City Ordinance #9-1.
2. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed such protection shall be installed and made serviceable prior to and during the time of construction. Pursuant to 1997 Minnesota Uniform Fire Code Section 901-3.
3. In the cul-de-sacs with the center island “no parking” signs will be required. Contact Chanhassen City Fire Marshal for additional information.
4. No burning permits will be issued for trees to be removed. Trees or shrubs must be either removed from site or chipped.
5. Submit street names to Chanhassen Building Official and Chanhassen Fire Marshal for review and approval.
6. Submit cul-de-sac to Chanhassen City Engineer and Chanhassen Fire Marshal for review and approval.

Parks

The Park Commission has identified the 2005 MUSA area as “park deficient.” A community park may or may not end up in the Town and County site. As a part of the AUAR environmental study the park location and size for this area will be evaluated.

Potential school site

Staff has discussed with the applicant the possibility of a school site in this area. If the school district, as a part of their study, considers a school in this area it should be considered as a part of the AUAR.

Environmental Issues

Existing Wetlands

There are several existing wetland basins on-site, including both ag/urban wetlands and natural wetlands. All wetlands on-site should be delineated by a qualified wetland delineator, checked by City staff and surveyed by a registered land surveyor prior to the development of more detailed plans for this site.

Wetland Impact Avoidance, Minimization and Replacement

Wetland impact avoidance, minimization and replacement must occur in a manner consistent with the Minnesota Wetland Conservation Act (MR 8420). The applicant should submit a wetland alteration permit application. Prior to wetland impacts occurring, the applicant shall obtain City approval of a wetland replacement plan.

Bluff Creek Overlay District

The site is partially within the Lowlands Region of the Bluff Creek Overlay District. This region of the overlay district is characterized by significant tracts of forest land, the highest quality wetlands in the Bluff Creek corridor and diverse wildlife habitat.

The goals set forth in the Bluff Creek Watershed Natural Resources Management Plan (BCWNRMP) for the Lowlands Region are to:

1. Preserve and manage the high-quality wetland complexes, riparian areas and oak woodlands to extend the high-quality system of the Gorge Region;
2. Restore impaired ecosystems to their natural condition; and
3. Re-create natural links between major natural features within the Bluff Creek corridor.

The applicant should keep these goals in mind as a plan is developed for the site and should work with staff to achieve these goals for this property.

The mapped boundaries of the primary and secondary corridors of the Bluff Creek Overlay District vary between those shown in the Plan and those included on City maps. The applicant should arrange for the boundaries to be field-verified by staff prior to the development of a more detailed plan for this site.

Storm Water Management, Easements, Bluffs and Erosion Control will all have to be reviewed as a part of the AUAR. Surface Water Management fees will also be required as a part of any development.

Other Agencies

The applicant shall apply for and obtain permits from the appropriate regulatory agencies (e.g., Riley-Purgatory-Bluff Creek Watershed District, Minnesota Pollution Control Agency, Army Corps of Engineers) and comply with their conditions of approval.

Forestry

The proposed natural resources preservation shown in the concept development plan is excellent because it protects all of the environmentally important areas. There are two sites protected within the overlay district, one northern and one southern. The wooded areas in the northern overlay district area are in good to excellent condition. Large, mature oaks, maples, lindens, and hickories fill the overstory of the forest with a healthy mix of species in the understory. There is a small amount of buckthorn in the southeast corner of the district, but it could be easily managed and eradicated. The southern district is a mix of lindens, boxelders, maples, ash and elm also with a variety of species in the understory. This area could be left as is or actively managed to increase the number of long-lived species, such as maples and oaks.

Both districts should be permanently protected by conservation easements. The development summary states that there are eight acres within the districts that are developable. These acres should be used as a density transfer. No development is recommended for the northern district. The southern district could support hiking trails or other low impact amenities, especially if it is to be actively managed as a forest in transition.

Landscaping for the townhome and condominium area should include native species for overstory and foundation plantings as well as non-native, ornamental selections. Large groupings of materials will help extend the natural areas into the developed sites and create privacy for residents. A strong, boulevard tree planting element would also be an attractive element.

Housing

A part of the city comprehensive plan deals with housing goals and policies. The city does participate in the Livable Communities Act and has goals for housing diversity and affordability. As a part of this project, staff is anticipating that the developer work towards achieving these housing goals specifically by preparing a housing plan. The city held a Housing Summit in May of this year. The outcome of the Summit was the development of some common themes (see attachment). One common theme was that the community have “lifestyle housing where one could live, work and play.” Housing should be provided with the community so that the city can be a place to live work and play. In order to have the commercial development the city also needs to develop a population base. This can be accomplished through housing diversity.

Following are the city housing goals:

Table 2-3	CITY INDEX	BENCHMARK	GOAL
Affordability			
Ownership	37%	60-69%	30%
Rental	44%	35-37%	35%
Life-Cycle			
Type (non-single family detached)	19%	35-37%	34% 1991 Comp Plan
Owner/Renter Mix	85/15%	67-75 / 25-33%	80-90 / 20-10
Density			
Single Family Detached	1.5/acre	1.8-1.9/acre	1.8
Multi-family	11/acre	10-14/acre	9-10
Overall Average			3.3

Zoning Options

One of the major issues for the Planning Commission is the appropriate land use. Attached is the comprehensive plan land use percentages, a land use comparison of other communities and a tax capacity analysis. If this area were to be industrial, the surrounding land use also needs to be considered. A school in conjunction with housing as a possible density transfer needs to be considered in the overall mix. Density cannot be transferred with an industrial land use.

The advantage of industrial uses may appear to create more taxes with less service demands. Industrial would reduce the number of children but with the multi-family maximum of 568 units, the project number of school children is 114 (a single family development projection would be 100). The advantage of multi-family is that it creates a market for additional commercial uses and housing for workers. It appears based on current tax policy "2002", multi-family would pay more taxes (see tax comparison and additional new comparisons).

RECOMMENDATION

Staff recommends that the City Council approve the concept PUD with the following conditions:

1. The applicant shall contribute to the preparation of an Alternative Urban Area Wide Review (AUAR) in lieu of an EAW for the 2005 MUSA area. The AUAR shall study the following issues:
 - a. Public facilities-school, park, utilities, fire station
 - b. Environmental features-Bluff Creek Overlay District, Wetlands/bluffs, **open space and trees.**
 - c. Transportation system-traffic/road plan **and the ongoing considerations of the existing studies and reports, the design and the construction of Hwy. 312 and Powers Boulevard.**
 - d. Utilities-Sewer, Water, Storm Sewer
 - e. In addition, the AUAR shall address the following issues:
 - i. Potential school sites, fire station, water tower, and creek crossing. Collector road systems as well as traffic, infrastructure requirements: sewer, water, storm sewer and natural resources including wetlands, trees and slopes.
 - f. **Fiscal tax study**
2. A Medium Density PUD shall be created with the following items addressed: landscaping (entrance, streetscape and buffering **transitions, uses and density**), possible support commercial, neighborhood connections (trials, sidewalks) design standards (materials architectural details and variety) transit (slip off lanes) public access to park areas, preservation of natural features (bluffs, wetland, trees) housing plan (range of product and price).
3. The applicant shall petition the City for city services (sewer, water, etc)
4. The applicant shall develop a housing diversity plan.
5. All wetlands on-site shall be delineated by a qualified wetland delineator, checked by City staff and surveyed by a registered land surveyor prior to the development of more detailed plans for this site.
6. The applicant shall keep the goals for the Lowlands Region of the Bluff Creek Overlay District in mind as a plan is developed for the site and work with staff to achieve these goals for this property.

- a. Preserve and manage the high-quality wetland complexes, riparian areas and oak woodlands to extend the high-quality system of the Gorge Region;
 - b. Restore impaired ecosystems to their natural condition; and
 - c. Re-create natural links between major natural features within the Bluff Creek corridor.
7. The applicant shall arrange for the Bluff Creek primary and secondary zone boundaries to be field-verified by staff prior to the development of a more detailed plan for this site.
8. The Building and Fire Marshal comments shall be incorporated into the next level of review.

ATTACHMENTS

1. Submittal letter and application.
2. Public hearing notice and property owners list.
3. Summary of Housing Summit.
4. Land use comparisons.
5. Five tax comparisons.
6. Minutes for August 6, 2002 Planning Commission meeting.