



NO. 5948

A RESOLUTION APPROVING THE GENERAL CONCEPT PLAN FOR PROPERTY LOCATED AT 875 WAYZATA BOULEVARD WEST FILE NO. 10-3472

WHEREAS, Mike Schraad of Welsh Companies, LLC, on behalf of Welsh Orono Senior Housing, LLC (hereinafter the "Developer") has an interest in the Property located at 875 Wayzata Boulevard West within the City of Orono (hereinafter the "City") and legally described as follows:

EXHIBIT A, ATTACHED

(hereinafter the "Property"); and

WHEREAS, the property is located in the Highway 12 Corridor Study Area for which the City has established special requirements for rezoning and development per Municipal Code Sections 78-1061 through 78-1067; and

WHEREAS, the City of Orono Highway 12 PUD ordinance (Municipal Code Chapter 78, Articles VI and VII) requires a multiple step approval process for properties developing as part of a PUD; the General Concept Plan approval stage is the first step in the process followed by the Master Development Plan approval stage; and

WHEREAS, the proposed residential use of the Property is consistent with the 2000-2020 Comprehensive Plan amendment, approved in 2009, which re-guided the Property from Low Density residential (1 unit per 2 acres), for High Density residential (up to 10 units per acre) and is also consistent with the density provisions of the 2010-2030 Comprehensive Plan update which would allow up to 15 units per developable acre; and

WHEREAS, the 2009 Comprehensive Plan amendment and 2010-2030 update also limited structural coverage of the Property to a maximum of 20,000 square feet. The Developer is requesting an amendment of the 2010-2030 Comprehensive Plan to allow a maximum of 30,000 square feet of structural coverage; and

WHEREAS, on May 19, 2010, the Developer requested General Concept Plan Approval with a concurrent rezoning from RR-1B Single Family Rural Residential District to RPUD Residential Planned Unit Development District, and RPUD conditional use permit for an assisted living facility; and

WHEREAS, after due published and mailed notice in accordance with Minnesota Statutes 462.358 et. seq. and the City of Orono Zoning Code, the Orono Planning Commission held a public hearing for the 2010-2030 Comprehensive Plan amendment, rezoning and General Concept Plan application and reviewed it on June 21, 2010, at which time all persons





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desiring to be heard concerning this application were given the opportunity to speak thereon; and

WHEREAS, the Planning Commission on June 21, 2010 recommended on a vote of 5-0 that the Council grant rezoning to RPUD Residential Planned Unit Development District and grant general concept plan approval subject to review by the City Engineer and City Fire Marshal, and subject to final Met Council approval of the 2010-2030 Comprehensive Plan Amendment; and

WHEREAS, the Orono City Council makes the following findings in regard to this application for comprehensive plan amendment, rezoning and RPUD General Concept Plan approval:

FINDINGS

- A. Community Management Plan Conformity; Rezoning
 - 1. This application was reviewed as Zoning File #10-3472.
 - The property is located in the RR-1B Single Family Rural Residential District, requiring a minimum lot size of 2.0 acres. The property consists of approximately 10.36 acres; approximately 3.8 acres is wetland resulting in a net dry-buildable area of 6.4 acres.
 - 3. The development plans include construction of a private road, a parking lot and a 55-unit building. This proposal is consistent with the 2009 amendment of the 2000-2020 Comprehensive Plan which re-guided the site to allow residential development at an urban density of up to 10 units per buildable acre, and with the 2010-2030 Comprehensive Plan update which allows a density of up to 15 units per acre.
 - 4. The Developer has proposed to construct 27,465 square feet of structure (25,814 square foot building + 1,571 square foot entrance canopy + 80 square foot trash enciosure) where the 2009 amendment to the 2000-2020 Comprehensive Plan and 2010-2030 update permitted a maximum of 20,000 square feet. The proposed square footage results in only 9.6% of the buildable area and 6% of the site overall. To allow for flexibility, the Council finds that increasing the allowed footprint for this issue to 30,000 square feet will not result in any conflicts with the City's goal of keeping development at this site low-profile and blending with the natural surroundings of the site.
 - 5. Rezoning of the property from RR-1B to RPUD is appropriate based on the location of the site between two major highway corridors with no abutting local roads. The remoteness of the site from other residential neighborhoods coupled with the direct





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access to the Luce Line Trail and Wayzata Boulevard makes the site suitable for development of the proposed senior assisted living housing facility.

- 6. The proposed 55-unit facility on 6.4 acres would provide a housing option not readily available in Orono, advancing Orono's housing goal of providing lifecycle housing options.
- 7. The project is subject to the requirements of Municipal Code Chapter 78, Article XII regarding Conservation Design. A key element in this development proposal is the retention and enhancement of natural buffers that will limit the visual impact of the building as viewed from Wayzata Boulevard and Highway 12. The proposed development has incorporated a "ground hugging" building and road design that takes advantage of the existing topography, providing for a low-profile, 2-story residential appearance, and using the existing driveway corridor and Highway 12 access point to minimize removals of existing trees and limit reduction of existing vegetative screening, thus limiting the visibility of the dwelling units from Highway 12 and projecting a rural character as viewed from Wayzata Boulevard. In addition, the "T" shape of the building limits its visual mass as compared to a linear building of the same footprint.
- 8. Rezoning the Property to RPUD Residential Planned Unit Development is appropriate based on the proposed density and nature of the proposal, which meets the following general purposes of the RPUD District:
 - a) incorporates flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development;
 - b) incorporates energy conservation through the use of compact building design;
 - c) preserves desirable site characteristics and open space and protects sensitive environmental features, including sensitive wetland areas;
 - d) provides design compatible with surrounding land uses, including both existing and planned;
 - e) yields development which is consistent with the Comprehensive Plan.

B. Site Planning & Amenities

- 1. The property contains approximately 3.8 acres of wetland. The proposed building location abuts the 20' structure setback from the required wetland buffers, leaving a 20' deep rear yard that is able to be manicured.
- There are two wetland basins on the Property. The wetland areas will be subject to the standard Permanent Flowage and Conservation Easement and Restrictive Covenant for Wetland and Wetland Buffer, and will be required to have wetland buffer markers installed.





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Wetlands on the property are concurrently subject to the jurisdiction of the Minnehaha Creek Watershed District.

- Stormwater management will be provided by rain gardens and stormwater ponds. In addition to the City of Orono, the Minnehaha Creek Watershed District has approval authority over the stormwater management plan. The development will be subject to the standard Storm Water & Drainage Trunk Fee.
- 4. Vehicular access to the property will be via the existing drive, entering from Wayzata Boulevard at the southeast corner of the property. The City Council has concluded that a private street of rural section 24' in paved width should be provided, which will provide adequate emergency vehicle and delivery vehicle access.
- 5. Visitor and employee parking for the property will be provided in a 53 stall surface parking lot. The Council finds that for the proposed assisted living use this ratio of approximately one stall per unit should be sufficient to serve the intended use.
- 6. The Property abuts the MnDNR's Luce Line Trail. The proposed building will be located at least 60 feet from the Trail right-of-way. There is no proposed pedestrian connection from the Property to the Luce Line Trail.
- 7. The Property is within the MUSA. Sewer and water service to serve the Property will be from the City of Wayzata via sewer and water mains that have been extended to the property boundary. Construction and maintenance of a non-clog sewer lift station to serve the property is the responsibility of the developer.
- 8. The applicant has provided preliminary site plans, grading plans, landscaping plans, utility plans and building construction plans which the Council finds are sufficient to indicate the intent of the developer and the potential impacts of the project.
- 9. The proposed development generally meets the RPUD standards for multifamily residential development [Section 78-626(7)].
- 10. With over 5 acres of usable open space on the Property, the private recreation area of '10% of the platted property' required under the RPUD standards will be sufficiently met.
- 11. The City Council finds that the park dedication for this development should be in the form of a Cash Contribution in Lieu of Lands as allowed by the Municipal Code.





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12. The applicant has provided the following Plan Sheets and Building Plans and Elevations dated 05-19-2010, attached to this Resolution as **Exhibit B** including:

Sheet A-1.0:	First Floor Plan
Sheet A-2.0:	Second Floor Plan
Sheet A-3.0:	Exterior Elevations
Sheet C1.1:	Existing Conditions & Conceptual Demolition Plan
Sheet C2.1:	Conceptual Site Plan
Sheet C3.1:	Conceptual Grading Plan
Sheet L2.1:	Conceptual Landscape Plan

The City Council finds that the plans submitted are generally sufficient to indicate the intent of the developer and the potential impacts of the project.

13. The City Council finds that the proposed rezoning and proposed development of the property for assisted living use is appropriate for the property, will not have negative impacts on the surrounding properties when all Concept Plan Approval conditions are met, and is in keeping with the goals, policies and philosophies of the City.

CONCLUSIONS, ORDER AND CONDITIONS

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orono hereby approves the General Concept Plan for development of the Property for a single, multifamily senior assisted living residential building, subject to the following declarations and conditions:

- The City of Orono will formally adopt a resolution approving an amendment of the Orono Comprehensive Plan to allow for the proposed uses upon City Council finding of satisfactory completion of the Conditions for General Development Plan and Final Plat Approval.
- The City of Orono will approve rezoning of the property to RPUD as described herein upon City Council finding of satisfactory completion of the Conditions for Master Development Plan approval.
- 3. The City of Orono will approve the granting of a conditional use permit for the assisted living facility use as described herein upon City Council finding:
 - a) The proposed use is consistent with the Community Management Plan;
 - b) The proposed use is compliant with the zoning code, including any conditions imposed on specific uses as required by Article V, Division 3 of the City Code;





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- c) The property is able to be adequately served by police, fire, roads, and stormwater management;
- d) The property is provided with an adequate water supply and sewage disposal system;
- e) The proposed use is not expected to generate excessive demand for public services at public cost;
- f) The proposed use is compatible with the surrounding area as used both presently and as it is planned to be used in the future;
- g) The proposed use is consistent with the character of the surrounding area, unless a change of character is called for in the Community Management Plan;
- h) The proposed use is compatible with the character of buildings and site improvements in the surrounding area, unless a change of character is called for in the Community Management Plan;
- The proposed use is not expected to substantially impair the use and enjoyment of the property in the area or have a materially adverse impact on the property values in the area when compared to the impairment or impact of generally permitted uses;
- j) The proposed use is provided with screening and buffering adequate to mitigate undesirable views and activities likely to disturb surrounding uses;
- k) The proposed use will not create a nuisance which generates smoke, noise, glare, vibration, odors, fumes, dust, electrical interference, general unsightliness, or other means;
- The proposed use will not cause excessive non-residential traffic on residential streets, parking needs that cause an inconvenience to adjoining properties, traffic congestion, or unsafe access;
- m) The site is designed to take into account the natural, scenic, and historic features of the area and to minimize environmental impact;
- n) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts; and
- The proposed use is not detrimental to the public health, public safety, or general welfare.
- 4. Conditions for Master Development Plan approval are as follows:

A. RPUD Development Standards and General Conditions.

 Developer shall provide a final Master Development Plan for the development that conforms to all standards of the RPUD District except as modified herein, and shall demonstrate to the satisfaction of the City Council that all RPUD standards have been met and shall demonstrate where such standards have not been met, and shall satisfy the City Council that non-compliance with said standards is remedied in a manner acceptable to the Council.





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- The applicable general engineering comments and or conditions provided by the City Engineer during the review process shall be suitably addressed by the Developer in the development plan submittals.
- **B. Plans and Specifications.** The following plans and specifications shall be submitted for review and approval by the City and other appropriate jurisdictions:
 - Private road construction plans. A geotechnical evaluation of the soil shall be done in conjunction with the pavement design and shall be submitted to the City Engineer for approval.
 - 2) Final plans and specifications for all proposed utility lines and services, including any proposed revisions to existing service facilities. Proposed plans shall be provided to the City for final review and approval with the Final Plan set. The Public Works Department (and MNDOT or Hennepin County if facilities are within MNDOT or Hennepin County right-of-way) shall review and approve all utility improvements. Final sanitary sewer and water connection plans shall be subject to approval by the Orono Public Works Department and the City of Wayzata.
 - 3) Final grading, drainage and erosion control plans showing existing and proposed contours, building locations, elevations, stormwater facilities and calculations, utilities and erosion control measures to be used during construction. Master Development Plan approval will not be granted until the Minnehaha Creek Watershed District has approved the stormwater plans.
 - Engineering design and details for any proposed retaining walls over 4 feet in height.
 - 5) Final landscaping design plan with planting schedules including numbers and species, in accordance with the landscaping requirements of the RPUD zoning district.
 - 6) Final Conservation Design implementation plan.
 - Final conceptual building construction plans detailing roofing and siding materials, colors, etc. to the extent known. A materials board shall be provided.
 - 8) Detailed monument signage and street lighting plan, if any.
 - Any additional plans and specifications deemed necessary by the City as review progresses.





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C. Private Road Standards.

- 1) The new road serving the development shall be constructed as a private road. The road shall have a rural design, and shall have a paved width of 24'.
- 2) Appropriate street, traffic and parking signage including required stop signs within the parking lots and loading areas to ensure safe parking areas and pedestrian crossing within the development shall be installed by the Developer subject to review and approval by Orono staff and City Engineer.
- 3) A monument sign may be provided by the Developer at the entrance to the site. The signage shall be limited to the facility name, address and/or logo on the monument sign. Final design/materials of monument signage shall be subject to the requirements in City Code 78-1466(11) and approval by the City Council.

D. Utilities; Stormwater Management

- Sanitary sewer and municipal water connections shall be installed by the Developer per plans subject to approval by the City Engineer. The City will inspect these systems during their construction to ensure proper installation.
- Developer shall provide suitable evidence of Minnehaha Creek Watershed District (MCWD) approval of the stormwater management plan before Development Plan Approval will be granted. The stormwater drainage system will be owned and maintained by the Developer.

E. Wetland Impacts

- Developer shall demonstrate to the satisfaction of the City Council that all requirements of the Minnehaha Creek Watershed District as administrator of the WCA regulations on Orono's behalf are met.
- 2) Developer will conform to Orono's wetland, wetland buffer and buffer setback requirements within Municipal Code, Chapter 79, Article XI Wetlands Protection. Any proposed wetland and wetland buffer impacts shall be mitigated according to the requirements of the applicable codes and laws.

F. Grading, Erosion Control

 Erosion control shall adhere to Orono Municipal Code, Chapter 79 regarding Construction Site Runoff. All erosion controls as required by the City and the MCWD shall be in place prior to commencing excavation on the site. All such





erosion control measures shall be maintained in working order until the site is revegetated.

- 2) The construction limits shall be clearly marked with adequate fencing to prevent any construction damage or disturbance of any trees and vegetation outside of the construction limits area. Developer shall identify trees to be preserved on site, shall mark them on a site plan, and shall take extraordinary measures such as fencing, signage, etc. to ensure they are not disturbed. Developer must strive to maintain perimeter vegetation along Wayzata Boulevard and Highway 12 to the greatest extent possible.
- **G. Landscaping**. Developer shall provide a landscaping plan meeting all of the requirements of the RPUD District and the Conservation Design code requirements to the satisfaction of the City Council. All landscaping shall conform to the standards established by City ordinance for the RPUD district
- H. Development Agreement. Development Approval is contingent upon the successful execution of a Development Agreement between the applicant and the City. Such Agreement shall address all specific City requirements for the development.
- I. Financial Guarantee. The Development Agreement shall include a financial guarantee by the applicant to ensure the completion of site improvements. The City Engineer shall complete an estimate of improvement costs, including but not limited to private roads, curb & gutter where required, landscaping, grading, erosion control, utilities, wetland and wetland buffers, conservation design requirements and stormwater management facility construction, and the applicant shall provide to the City a financial guarantee of 150% of the improvement costs.
- J. Storm Water and Drainage Trunk Fee. The standard Storm Water and Drainage Trunk Fee for residential development shall be paid by the developer per the 2010 City Fee Schedule, based on the rate for multifamily residential greater than 4 units per acre (10.63 gross acres @ \$7,000 per acre) = \$72,520.
- K. Park Dedication. The Developer shall pay the standard park dedication fee in lieu of land dedication based on the value of 8% of the land with a minimum residential park fee of \$3250 per dwelling unit. Assuming the estimated market value of \$1,276,000 from Hennepin County tax records, the minimum fee would apply. Applying the minimum residential park fee, and removing the memory care units, would result in a park fee of \$3250 x 35 units = \$113,750.





- L. Sewer and Water Connection Charges. There are no City of Orono sewer and water connection charges due because the property has been assessed for sewer and water installation. However, the Developer shall be responsible for connection charges imposed on the City of Orono or on the Developer by the City of Wayzata for connection to their systems. MCES Sewer Availability Charges will be collected with the building permit for the property.
- **M. Legal Documents Required.** The following list of final submittals must be submitted to the Planning Coordinator four weeks prior to the regularly scheduled Council meeting on the second and fourth Mondays of the month. These submittals are as follows:
 - 1) Legal documents required:
 - A. Title opinion addressed to the City or a title insurance policy in favor of the City. All owners, mortgage holders or others with property interest indicated therein shall sign the approval resolution and all other documents affected by such interest.
 - B. The applicant must provide certified copies of all recorded easements currently affecting the property.
 - C. Signed Permanent Flowage and Conservation Easement and Restrictive Covenant for Wetland and Wetland Buffer.
 - D. Signed Road, Drainage and Utility Easement over Outlot A.
 - E. Signed Developers Agreement and Letter of Credit for construction of improvements. The City Engineer shall establish the amount to be provided in the Letter of Credit.
 - F. Construction and Professional Services Escrow in the amount to be determined based on Final Plans.
 - 2) Fees to be paid: Total due: \$186,000
 - A. Storm Water & Drainage Trunk Fee = \$72,250.00
 - B. Park Dedication Fee = \$113,750.00





- 5. This Concept Plan Approval is based upon the known issues that may affect this project, but this approval does not limit the City from revising or amending these conditions as the review process continues.
- 6. This Concept Plan Approval resolution approves the development concept subject to the Developer meeting the requirements of this resolution and all other requirements of the City. This resolution does not constitute approval of the rezoning. Such approval shall only be considered when the City Council finds that all "Conditions for Master Plan Approval" as identified herein have been met.
- 7. This Concept Plan Approval shall be effective until July 12, 2011. If a complete application for Master Development Plan Approval has not been made by that date, the terms and conditions of this resolution shall be null and void. The City Council at its sole discretion may extend this effective period.
- 8. The undersigned Developer has read and reviewed this document.

Adopted by the Orono City Council on this 12th day of July, 2010.

ATTEST:

James M. White, Mayor nda L. Vee S. Vee, City Clerk Developer STATE OF MINNESOTA COUNTY OF HENNEPIN On this day 2010, its personally appeared before me on behalf of Notary Public

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ESOLUTION

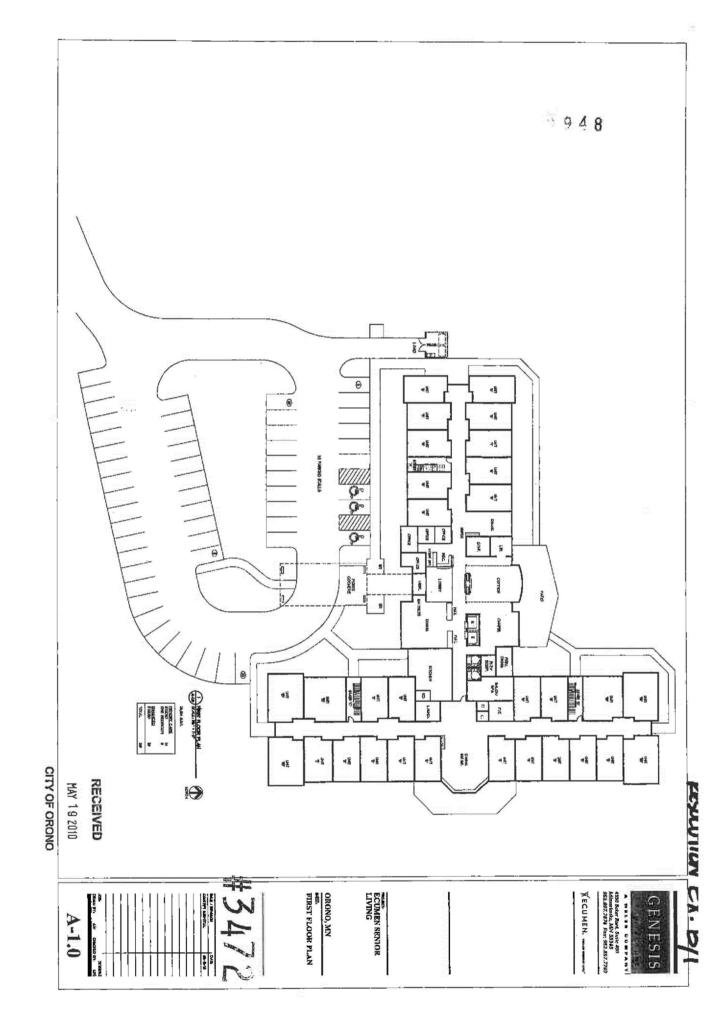
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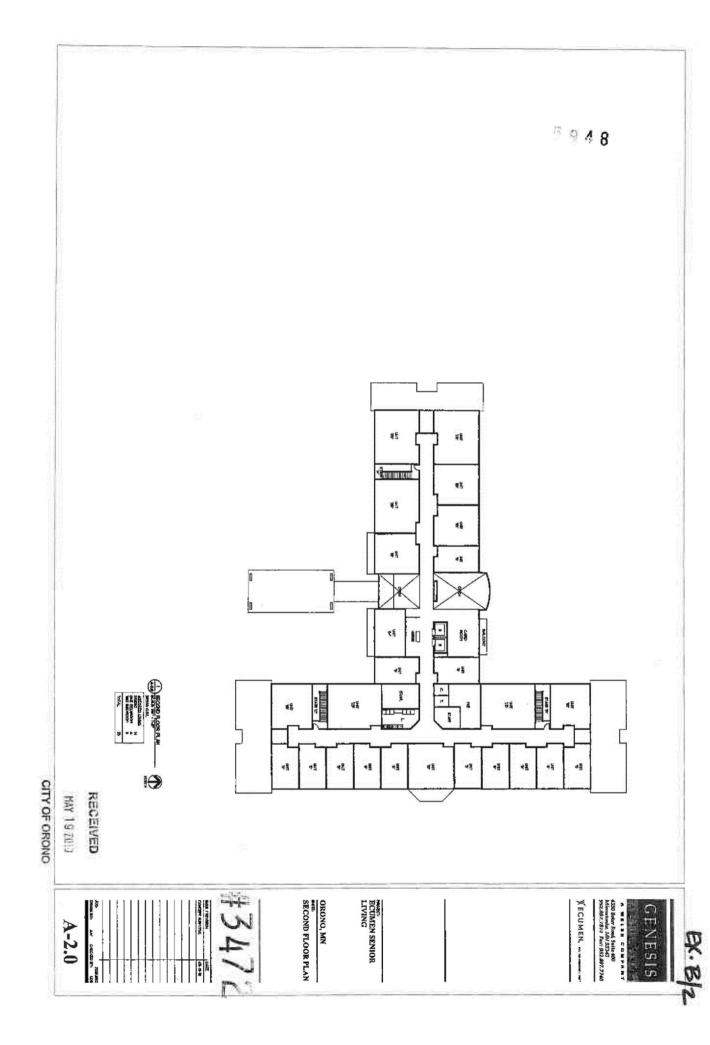
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