



# CITY OF CHANHASSEN

**PC DATE:** June 2, 2020

**CC DATE:** July 13, 2020

**REVIEW DEADLINE:** June 30, 2020

**CASE #** 2017-10

**BY:** KA

## **PROPOSED ACTION:**

A. “The Chanhassen Planning Commission recommends that City Council approve the **Rezoning** of 118 +/- acres, from Agricultural Estate District, A-2, PUD Regional Commercial including “*Exhibit A* Avienda Design Standards”; and

B. “The Chanhassen Planning Commission recommends that City Council approve the Amended **Subdivision Preliminary Plat** creating 19 lots, 3 outlots and dedication of public right-of-way, as shown in plans prepared by Landform dated, May 1, 2020, subject to conditions in the staff report; and

“The Planning Commission also adopts the attached Findings of Fact and Recommendation.”

**PROPOSAL:** Amended Preliminary Plat, Regional Mixed-Use Planned Unit Development (PUD), 118 acres of land for the establishment of a mixed-use development.

**LOCATION:** Southwest corner of Powers Boulevard and Lyman Boulevard

<b>APPLICANT:</b> Landform Professional Services, LLC	Level 7 Development
105 South Fifth Avenue, Suite 513	4600 Kings Point Road
Minneapolis, MN 55330	Minnetrista, MN 55330

**PRESENT ZONING:** A-2 Agricultural Estate

**2030 LAND USE PLAN:** Office or Regional Commercial

**ACREAGE:** Approximately 118 +/-acres

**DENSITY:** Assumes 70% of site commercial with a floor area ratio (FAR) of 0.3 and 30% of site residential with a density of 16 units per acre.

## **SUMMARY OF REQUEST**

The developer is requesting to Amend the Preliminary Plat for the subdivision into 19 lots, 3 outlots and dedication of public right-of-way; as well as amending the PUD. The Conditional Use Permit and Variances for development in the Bluff Creek Corridor; and the Wetland Alteration Permit to fill 4.4659 acres of wetland were approved with the original preliminary plat dated (June 10, 2019) and their standing remains.

At this time there are no site plans being approved. This application amends the framework for the plat (subdivision lots) and the PUD (uses and development guidelines). Any proposed developments will have to come back through the city process for approval.

**Parcel and Site Information**

<b>Parcel ID</b>	<b>Taxpayer</b>	<b>Acreage</b>
25.0230500	Level 7 Development, Inc.	22.89
		1.66
25.0230300	Level 7 Development, Inc.	54.07
25.0230410	Level 7 Development, Inc.	20
25.0230430	Level 7 Development, Inc.	16
25.0230420	Level 7 Development, Inc.	4
	<b>Total</b>	<b>118.62</b>

**BACKGROUND**

- November 1, 2016: The Planning Commission recommended conceptual approval of the PUD.
- November 28, 2016: The City Council gave conceptual approval of the PUD.
- February 27, 2017: During its Work Session, the City Council reviewed the significant issues of the Alternative Urban Areawide Review (AUAR).
- February 28, 2017: An open house was held.
- March 7, 2017: The Planning Commission held a public meeting to review the proposed update to the AUAR document. The Planning Commission forwarded their comments to the City Council.
- March 13, 2017: The City Council authorized publication in the Environmental Quality Board (EQB) Monitor for April 3 and closing the AUAR comment period on April 17.
- May 8, 2017: The City Council adopted a final resolution for the updated AUAR and Mitigation Plan.
- May 6, 2017 and June 6, 2017: The Planning Commission held public hearings on the plan.
- June 20, 2017: The Planning Commission recommended preliminary plat approval.
- July 10, 2017: The City Council approved Preliminary Plat creating 17 lots, 3 outlots and dedication of public right-of-way for public streets (115.519 acres); and Rezoning of 115.519 acres of property zoned Agricultural Estate District, A-2, to Planned Unit Development-Regional Commercial District (PUD-RC). Design Standards; and a Conditional Use Permit to encroach into the primary zone and required buffer for development in the Bluff Creek Corridor; Wetland Alteration Permit to 4.897 acres of permanent wetland impacts as shown in

plans dated April 14, 2017 and June 13, 2017, to request to construct into the primary zone and required buffer for development in the Bluff Creek Corridor.

- June 25, 2018: The city approved the final plat and grading permit.
- April 8, 2019: The Chanhassen City Council approved the extension of the final plat and grading permit to December 31, 2019 and extinguished the final plat for Avienda but allowed for grading.
- December 9, 2019: The Chanhassen City Council approved the extension of the preliminary plat until June 30, 2020 and permitted grading as stated in the conditions listed below and in accordance with the preliminary plat approvals.

The applicant is proposing a mixed-used development. The following is from the applicant's Development Plan.



**VISION**

**Legend**

-  Future Traffic Signal
-  Existing Traffic Signal
-  Stall Count
-  Public Right Of Way
-  Ponding
-  Preservation
-  Wetland and Buffer
-  Regional Commercial
-  Office
-  High Density Residential
-  Medium Density Residential

**Notes**

Development plan shown for schematic purposes only and subject to change.

Development Data						
Section	Gross Area (Acres)	Net Developable Area (Acres)	Building Area (S.F.)	Parking Stalls	Units/ Beds	Parking Ratio (Stalls per 1,000 S.F. or per Unit)
A	15.74	15.74	131,000	625		4.8
B	5.08	4.00	120,000	150	150	1.2
C	9.08	7.28	76,000	n/a	31	
D	2.74	2.74	22,400	n/a	8	
E	3.80	3.80	120,000	279	150	2.3
F	0.88	0.88	6,000	23		3.8
G	12.87	12.87	225,000	1023		4.5
H	2.03	2.03	10,000	54		5.4
I	1.52	1.52	39,000	103	100	2.6
J	1.85	1.85	6,000	92		15.3
K	1.78	1.78	8,000	121		15.1
L	3.99	3.99	22,000	192		8.7
M	7.86	7.86	66,000	359		5.4
N	7.06	7.06	167,000	461	250	2.8
O	2.49	2.49	18,000	97		5.4
P	1.53	1.53	8,000	93		11.6
Q	1.40	1.40	8,000	42		5.3
R	1.88	1.88	17,000	94		5.5
RR	13.76	0.00	n/a	n/a		
RR-1	20.87	0.00	n/a	n/a		
RR-2	1.66	0.00	n/a	n/a		
<b>Total</b>	<b>119.87</b>	<b>80.70</b>	<b>1,069,400</b>	<b>3,808</b>	<b>689</b>	<b>n/a</b>

The land use change to either Office or Regional Commercial District as a part of the 2030 Comprehensive Plan was based on the city’s vision for a lifestyle center. The Comprehensive Plan states:

**2.7.4 Regional/Lifestyle Center Commercial**

***“Definition/Vision:*** A mixed commercial district with retail and entertainment uses of a scale and function that serves a regional market. The physical environment emphasizes an attractive, comfortable walking experience for shoppers and visitors and is designed to serve trail users and mass transit as well as automobile traffic. Centers of this type have at least two major retail anchors and are characterized by the diversity and mix of retail and service uses within their boundaries. Uses within this district should complement existing retail users in the other commercial districts. Development of these centers shall be planned as a group of organized uses and structures to accommodate a sensitive transition between commercial activities such as loading, parking of automobiles, lighting and trash collection, and surrounding residential uses. Such centers shall be designed with one theme, with similar architectural style, similar exterior building materials, and a coordinated landscaping theme. Vehicle and pedestrian access is coordinated and logically linked to provide a comprehensive circulation system.

***Goods and Services Examples***

- Entertainment
- Department Store
- Comparison Shopping
- Specialty Retail/Boutique
- Restaurants
- Hotels
- Residential

A new zoning district Regional Commercial (RC) will be created in the City Code to implement this land use. The city has given a dual land use of the 118+/- at the southeast corner of Powers and Lyman Boulevards to accommodate this use.

**PLANNING DEPARTMENT COMMENTS**

When the city was considering the land use change on the site in 2006-07, there was much discussion about this area having uses different from the downtown. The downtown area is intended to be the uses that meet the daily needs of residents, and the regional mall site was envisioned to be those uses that would be more of a comparison shopping that would serve a regional market including:

***Goods and Services Examples***

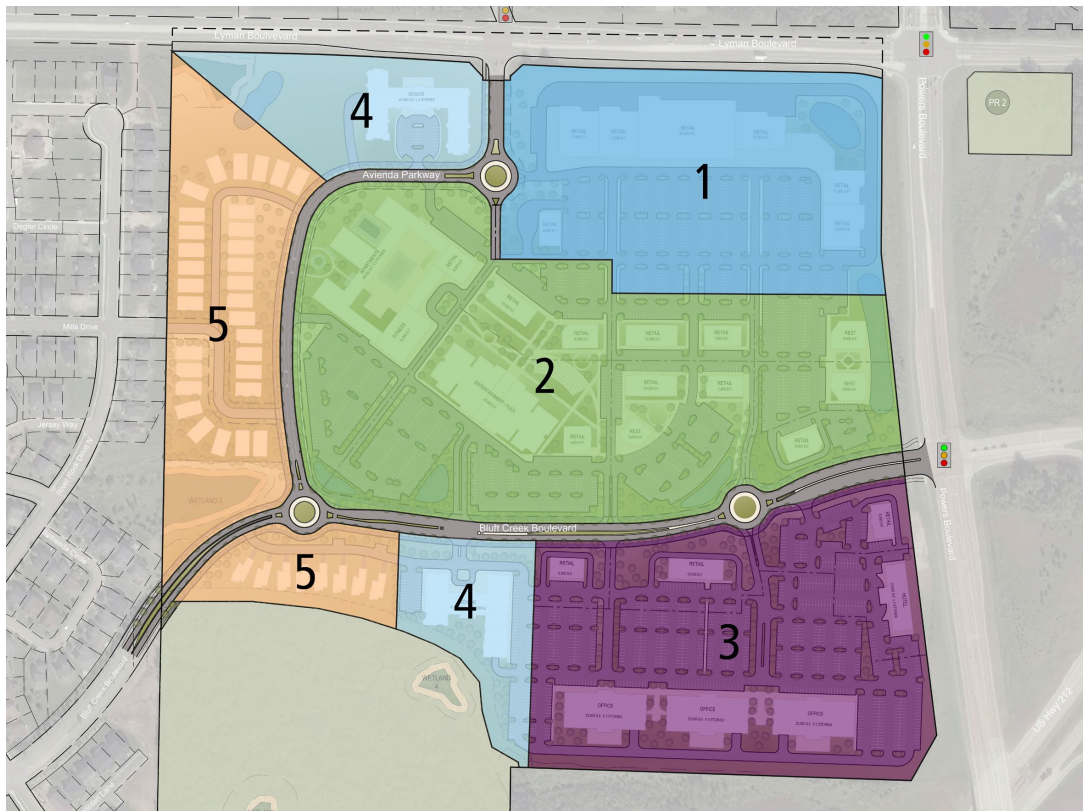
- Entertainment
- Department Store
- Comparison Shopping
- Specialty Retail/Boutique
- Restaurants
- Hotels
- Residential

The intent of this district:

The use of planned unit developments for regional/lifestyle center commercial purposes should result in a reasonable and verifiable exchange between the city and the developer. This district is intended to provide for the development of regional and community scale integrated retail, office, business services, personal services and services to the traveling public near freeway interchanges. The most significant changes from the previous plan is the increase of housing units from 20 to 30 percent.

The permitted uses in Avienda Village are all uses that would be part of a vibrant lifestyle center and as anticipated in the Comprehensive Plan. The following categories of uses were anticipated in the Comprehensive Plan and the listed uses should be permitted to ensure the success of the lifestyle center (see **attached Exhibit A for PUD Design Standards**):

Developers District Master Plan



The development Master Plan identifies five distinct sub-districts within Avienda. Each of these sub-districts (outlined on the plan above) is defined by specific site development patterns and perhaps a distinctive character or image. The sub-districts complement one another as part of the overall plan. They include:

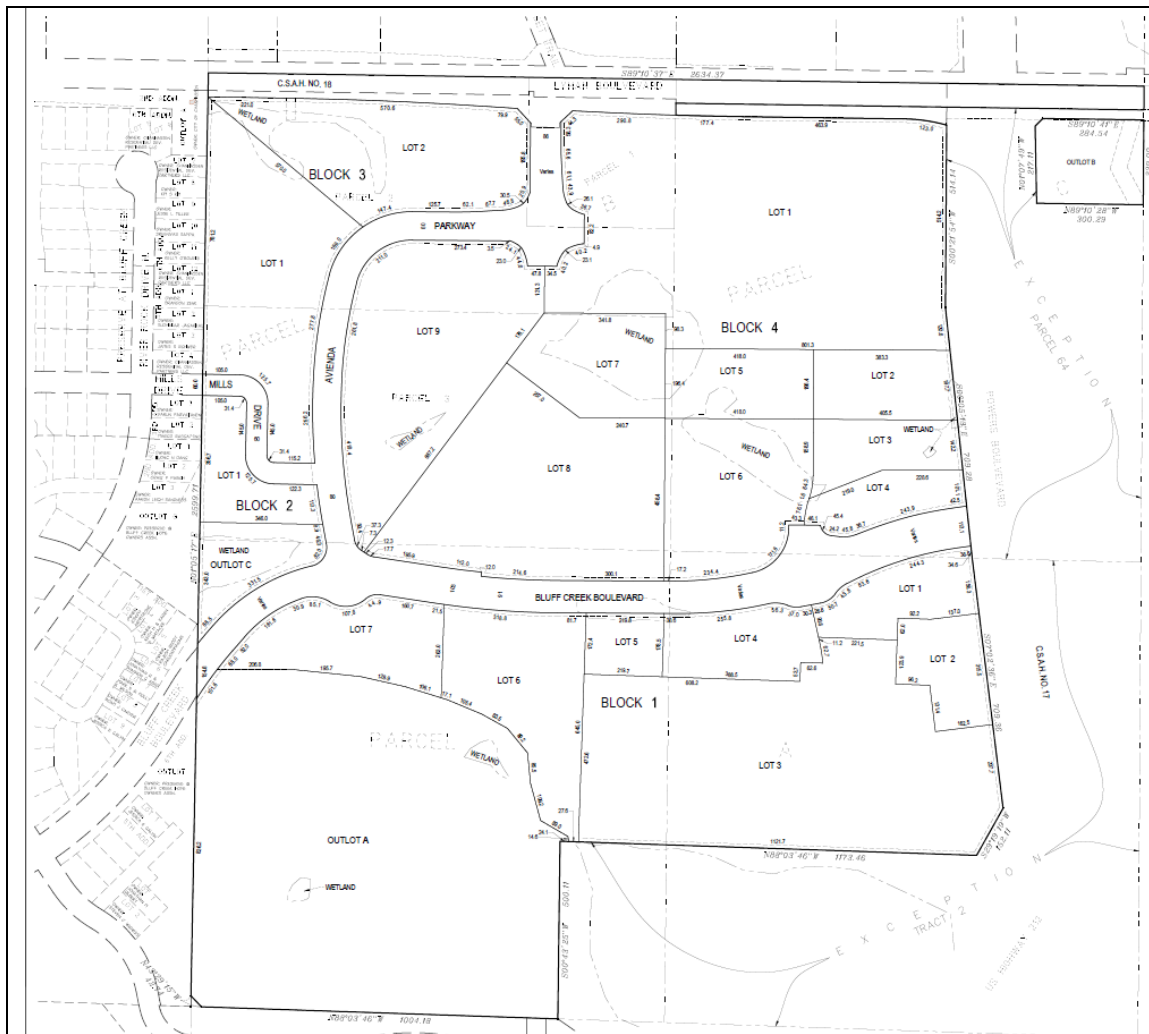
- Sub-District 1 - Retail - Provides a location for larger-scale in-line and stand-alone retail and entertainment uses.
- Sub-District 2 - The Village - Provides the broadest variety, highest density and greatest intensity of development, encouraging both vertical and horizontal mixed use.
- Sub-District 3 - Mixed Use - Provides a location for smaller-scale retail, service and other auto-oriented uses as well as hotels and medical/technology related uses
- Sub-District 4 - Multi-Family- Provides opportunities for high density senior or rental apartments.
- Sub-District 5 - Low Density Residential - Provides opportunities for small lot homes.

**AMENDED PRELIMINARY PLAT**

Avienda encompasses 118.00 acres. It includes 19 buildable lots and 3 outlots.

**LOT AREA TABLE**

Parcel Table			Parcel Table		
Parcel #	Area	Lot/Block	Parcel #	Area	Lot/Block
1	77,444	1/1	13	66,450	3/4
2	66,424	2/1	14	56,616	4/4
3	560,463	3/1	15	82,109	5/4
4	83,649	4/1	16	171,305	6/4
5	38,553	5/1	17	108,461	7/4
6	165,599	6/1	18	342,521	8/4
7	119,239	7/1	19	305,519	9/4
8	69,449	1/2	20	909,287	Outlot A
9	258,246	1/3	21	72,271	Outlot B
10	220,652	2/3	22	67,892	Outlot C
11	680,098	1/4	23	432,286	R/W
12	77,467	2/4	24	200,013	R/W (County)



## **TRAFFIC STUDY**

The traffic study completed with the AUAR Update indicated that the following intersections will meet signal warrants with the development: Lyman Boulevard and Audubon Road N., Lyman Boulevard and Sunset Trail, and Powers Boulevard (CR 17) and Pioneer Trail. The developer shall work with Carver County on the installation of these signals and any other improvements necessary. The developer shall fund the installation of these signals and improvements per Carver County's cost share policy.

## **STREETS**

The proposed street plan is consistent with the AUAR Update, although modifications have been made to Avienda Parkway. Previously, Avienda Parkway looped around the inside of the development. The modification cut the loop in half. After review, staff finds that the required



connectivity addressed in the AUAR Update is still being met with the proposed street layout, and the modification decreases the amount of right-of-way the city would have to maintain. Bluff Creek Boulevard connects to the intersection with Powers Boulevard and the TH 212 ramp. The connection to Sunset Trail is made to the north, and the connection to The Preserve at Bluff Creek development is made by extending Mills Drive. These connections are tied together by the proposed Avienda Parkway.

The applicant shall show the road profiles and a horizontal alignment table in the plan set for all public roads prior to final plat. The plans for public streets shall be designed to Municipal State Aid Standards and approved by the Minnesota Department of Transportation.

The public roads constructed with this development are: Bluff Creek Boulevard, Avienda Parkway, Sunset Trail and Mills Drive. All other roads and drives constructed with this development will be privately owned and maintained. All public streets are proposed to have a speed limit of 30 mph.

As large, landscaped boulevards are proposed, the applicant shall add a note to the typical sections to identify a corridor for installation of private utilities such as buried power, communication, gas, etc.

#### Bluff Creek Boulevard

The extension of Bluff Creek Boulevard is proposed to have a similar cross section to the existing segment it connects to; one lane each direction with a treed median. The thru lane width varies with turn lanes at intersections. Roundabouts will be constructed at the intersection with Avienda Parkway along with a roundabout for the future build-out of private accesses just west of Powers Boulevard and Bluff Creek Boulevard. These roundabouts promote traffic calming while carrying the anticipated volumes of traffic. The extension of Bluff Creek Boulevard will be a minor collector, per the 2040 Comprehensive Plan.

#### Avienda Parkway

Avienda Parkway is proposed to be a 36-foot wide roadway with a two-way left-turn lane. A roundabout will be constructed at the intersection with Sunset Trail. Staff recommends the applicant look at adding traffic calming measures to Avienda Parkway at Lots 1 and 2, Block 3 and Lot 9, Block 4. Specifically, the applicant shall look to incorporate pedestrian-friendly crossing features to the intersections at Mills Drive and Avienda Parkway, and where private drives intersect Avienda Parkway.

#### Mills Drive

The applicant shall ensure the width of Mills Drive matches with the existing Mills Drive section in The Preserve at Bluff Creek. The extension of Mills Drive is required to provide a secondary access to The Preserve at Bluff Creek development, which is an approximately 2000-foot long

cul-de-sac that currently has a temporary emergency access onto Lyman Boulevard. The developer of The Preserve at Bluff Creek 6th Addition will remove the temporary emergency access onto Lyman Boulevard once the Mills Drive connection is constructed. Further review of the final design and alignment of Mills Drive and any proposed private drives will be evaluated prior to final plat. A traffic study may be required to ensure adequate access management guidelines are adhered to.

### Sunset Trail

Sunset Trail is a 44-foot wide roadway that consists of two 15-foot thru lanes and a 14-foot turn lane and serves as the northern access to the site off Lyman Boulevard. The east and south leg of the roundabout will be private streets to accommodate access through the center of the development while the west leg is the connection to Avienda Parkway. When future lots apply for site plan approval, these private streets will be constructed.

### **STREET LIGHTING**

The applicant has not submitted a street lighting plan at this time. The project shall include street lighting per City Code. Decorative street lights are permissible with a maintenance agreement.

### **SIDEWALKS AND TRAILS**

The applicant proposes a series of public and private trails and sidewalks throughout the development. All proposed trails and sidewalks within the public right-of-way will be owned and maintained by the city and shall adhere to the city's standard specifications and details. All other pedestrian walks and corridors will be privately owned and maintained.

ADA-compliant pedestrian ramps shall be constructed at all intersections and median refuges per the MnDOT standard details.

### **RETAINING WALLS**

No retaining walls are proposed with the initial phase of this development, however it is possible that several retaining walls will be required around two perimeter locations to the north in subsequent phases of the development. If retaining walls will be installed in subsequent phases they shall be privately owned and maintained. As these potential retaining walls would be greater than four feet, they must be constructed in accordance with plans prepared by a registered engineer and be constructed of a durable material (smooth face concrete/poured in place, masonry/mortared, railroad ties and timber, and boulders are prohibited). Also, a fence or other barrier is required at any location where a wall is greater than 6 feet tall and within 10 feet of a public right of way.

Staff recommends the applicant work with residents of The Preserve at Bluff Creek to remove the retaining wall along the shared property line and replace with a graded berm.

### **SANITARY SEWER MAIN**

The plans show two separate sanitary systems to service this development.

The first will ultimately service portions of Block 4 and the homes proposed for Lot 1, Block 2 and Lot 1, Block 3 from a stub constructed near the northeast corner of the site. The homes shall tie-in to the 8-inch PVC sanitary main proposed under Mills Drive and the abutting private street. An 8-inch stub will be constructed to Sunset Trail and Lyman Boulevard for future extension to service the existing parcels on Sunset Trail north of Lyman Boulevard.

The rest of the development will be serviced by sanitary sewer that will extend from the stub under existing Bluff Creek Boulevard. The sanitary main will be constructed under Bluff Creek Boulevard and Avienda Parkway and will consist of 8-inch diameter PVC.

Sanitary structures along Bluff Creek Boulevard shall be moved out of the landscaped median and into the center of the eastbound travel lane for future maintenance access considerations. Further review of the final placement of the sanitary sewer main and its appurtenances will be conducted prior to final plat in order to ensure adequate easements for future maintenance activities.

All sanitary sewer main constructed within the right-of-way in this project shall be publically owned and maintained. Private sanitary main must be constructed to meet the city's requirements for public utilities. The plans shall use the most recent Chanhassen standard detail plates and specifications, which are available on the city's website.

The previously proposed design grades for sanitary pipe were set at the minimum slopes per the 10-State Standard for design. However, staff advised that setting the design grade to this minimum is not advisable. The plan must have a design grade that the developer and engineer are confident that the construction process will achieve the minimum. If the grade is flatter than the 10-State Standard at the time utility acceptance is requested, the city will require the sanitary sewer be excavated and reconstructed to meet the grade requirement. Staff recommended use of design grade 0.10% above the required minimum, which the new plans have incorporated.

### **WATER MAIN**

Water main for the development is proposed to connect from a 12" stub under the existing Bluff Creek Boulevard. The developer proposes 12" PVC C900 water main to be extended under Bluff Creek Boulevard and Avienda Parkway, with an 8" main constructed under Sunset Trail for future extension. A 12" connection from the intersection of Bluff Creek Boulevard and Powers Boulevard will loop the internal water system. The development will be required to complete the water main loop abutting the north property line along Lyman Boulevard which was previously stubbed pending future development. Additional water main stubs to serve the interior of the development have been proposed and shall be provided by the developer.

Water main constructed within the right-of-way in this project shall be publically owned and maintained. All water main throughout the development must be constructed to meet the city's requirements for public utilities. The plan shall use the most recent Chanhassen standard detail plates and specifications, which are available on the city's website. Further review of the final placement of the water main and its appurtenances will be conducted prior to final plat and/or permitting in order to ensure adequate easements for future maintenances activities.

### **STORMWATER**

The applicant has submitted a stormwater management report produced by Steven E. Sabraski, P.E. (MN License No. 47165) with Landform, dated May 1, 2020. The applicant proposed treatment of stormwater runoff with the use of pretreatment devices such as hydrodynamic separators, sump manholes with baffles, or water quality settlement basins prior to discharge to open air filtration/infiltration basins. As development continues to build-out and as parcels are developed, the basins will be converted to underground rock beds with distribution piping to provide the requisite filtration/infiltration capacity. The developer is proposing to take ownership and maintenance responsibilities of all stormwater facilities throughout the entire development. The report provides analysis and modeling results (HydroCAD, P8, etc.) that illustrates the feasibility of the overall design and meets the most restrictive rules of the underlying jurisdictional bodies (city, Riley Purgatory Bluff Creek Watershed District, the Minnesota Pollution Control Agency, etc.):

- Rate Control – proposed discharge rates do not exceed the existing rates for the 2-year, 10-year, 100-year, 24-hour rainfalls and the 10-day, 100-year snow melt.
- Water Quality – design modeled to illustrate the city's non-degradation rules are met along with MPCA requirements for removing TSS and TP.
- Volume Abstraction – the design abstracts 1.1 inches of runoff from the impervious areas (ultimately 60.81 acres) of the site.
- Storm Sewer Pipe – sized adequately to convey for a 10-year storm.
- Emergency Overflows – sized adequately for extreme events.
- Low Floor Elevations – at least 3.0 feet above the 100-year HWL and 1.5 feet above the emergency overflows.

The applicant has submitted the updated plans to Riley Purgatory Bluff Creek Watershed District (RPBCWD) to ensure their previous approvals from the district are still met. Ultimately, all conditions, comments, and applicable permits required by RPBCWD and other underlying jurisdictional bodies shall be adhered to, including Article VII, Chapter 19 of the City Code.

### **ASSESSMENTS**

The home units must pay a water and sanitary service partial hook-up fee when Lots and Blocks are replatted at the rate in place at that time. The remaining hook-up fees would be paid with the building permits.

The developer shall work with the Building Department to determine the city SAC and WAC fees for commercial and multi-family buildings. The hook-up fees for commercial and multi-family buildings are due with the building permit at the rate in place at that time.

The developer shall pay this site’s portion of the 2005 AUAR costs, which is \$25,836.70, with the final plat.

**The developer shall escrow funds for installation of traffic signals at Sunset Trail, Powers Boulevard and Audubon Road. The escrow amount shall be based on Carver County’s cost participation policy as published on their website.**

**WETLAND ALTERATION PERMIT**

Level 7 Development, LLC, received a Wetland Conservation Act (WCA) permit from the City of Chanhassen as the Local Government Unit (LGU) for the WCA. The developer was approved to impact 4.4659 acres of WCA regulated wetland.

Information on the Wetland Alteration Permit can be found on the city’s website in the Avienda Development page.

- The project impacts the following wetlands:

Wetland Number	Wetland Type	Wetland Acreage	Impact Acreage (fill and excavate)	Fill or Excavate	Wetland Management Class
Wetland 1	1, 3	1.001	1.001	F	Manage 2
Wetland 1/2	1, 2	0.1860	0.1860	F	Manage 2
Wetland 2	1, 2, 5	2.2569	2.2569	F	Manage 2
Wetland 3	1	0.6696	0	NA	Manage 2
Wetland 4	1	0.1253	0.1253	F	Manage 2
Wetland 5	1	0.3483	0.3483	F	Manage 3
Wetland 6	1	0.2514	0.2514	E (for pond)	Manage 2
Wetland 7	1	0.0150	0.0150	F	Manage 3
Wetland 8	1	0.0844	0.0844	F	Manage 3
Wetland 9	1	0.0985	0.0985	E (for pond)	Manage 3
Wetland 10	1	0.0740	0	NA	Preserve
	<b>TOTAL</b>	<b>5.2095</b>	<b>4.4659</b>		

### **ARTICLE XXXI. - BLUFF CREEK OVERLAY DISTRICT**

With the approval of the 2017 Preliminary Plat, the City Council approved the CUP to allow grading for the connection of Bluff Creek Boulevard. This CUP will be reaffirmed with City Council approval of the revised preliminary plan and PUD.

Properties within the Bluff Creek Overlay District are subject to the following requirements:

1. A conditional use permit is required prior to all subdivisions, site plans, land alteration and building within the Bluff Creek Overlay District.
2. Bluffs must be preserved as set forth in Article XXVIII of City Code.
3. Density transfers can be used to cluster development in areas where the location of the primary zone makes portions of the site unsuitable for development.
4. Natural habitat areas within the primary zone must be preserved as open space.
5. The primary zone must be 100 percent open space.
6. All structures must be set back at least 40 feet from the primary zone.
7. The first 20 feet of the setback from the primary zone cannot be disturbed.
8. Development projects.

City Council approved the following conditions:

- a. The developer shall dedicate the Conservation Easement containing the Bluff Creek Primary Zone to the city.
- b. The developer shall provide the city with a management for this area and submit to the city for review.
- c. Monuments indicating the Bluff Creek Overlay District shall be placed at every other property corner and at an angle of deflection greater than seven percent, but in no case shall they be greater than 150 feet apart.
- d. The development shall not encroach into the Bluff Creek Primary Zone except for access driveways.
- e. All buildings and other structures including parking shall be outside the Bluff Creek Overlay District. The developer shall comply with the with the 40-foot primary zone setback and preserve or create a 20-foot buffer from the primary zone.
- f. The buffer will be required to have a vegetation management plan and soil amendments.

### **Landscaping Comments**

The design narrative submitted by the applicant references resilient plantings and responsible resource use as goals and standards of the development. To this end, it is expected that proposed landscaping and preserved green space exemplify the latest best management practices. In this regard, tree preservation, boulevard and foundation plantings, turf expanses, and irrigation needs should demonstrate a higher standard than the average residential/commercial/office development. Including topsoil and soil amendments to insure healthy plantings, specifying

landscape plants that are suited for the site conditions, installing a reuse irrigation system, including specifications for the irrigation system, incorporating parking lot raingardens, and minimizing impact to the Bluff Creek Overlay Primary Zone will all assist with elevating the project standards.

The lower southwest corner of the site is part of the Bluff Creek Overlay District, an area intended for preservation and restoration. This wooded corner within the Primary Zone contains a native upland forest dominated by oaks, but also filled with elms, basswood, black cherry and ash. This area serves as a stormwater, habitat, clean air and carbon sequestration management area. According to city ordinance, ‘the purpose of the District is to protect the Bluff Creek Corridor, wetlands, bluffs, and significant stands of mature trees; promote innovative development techniques such as cluster development and open space subdivisions...’ With this intent, the developer has placed a Conservation Easement over the area to protect it in perpetuity and is in the process of recording the easement. Staff recommends that monument signs indicating the Bluff Creek Overlay District be placed at every property corner and angles with no more than 150 feet apart.

The proposed landscape plan submitted includes boulevard plantings within and along the public collector roads. The existing Bluff Creek Boulevard incorporates landscaped medians and roundabout as well as boulevard trees along the trails. The city’s experience with the existing landscaping along Bluff Creek Boulevard has proven to be a higher maintenance input than other streets within the community. The landscape medians work well enough when they are planted with trees and mulched. Including shrubs and perennials creates maintenance needs that burden ongoing management for streets and parks. Trash that becomes trapped in the plantings, weed growth among the plantings, pruning and plant replacement all become continuing maintenance issues and frustrate the neighbors and the city. Staff recommends that any median landscaping be kept simple and low maintenance if it is within the public right-of-way. The boulevard tree landscape plan will need to be expanded to meet species diversity as guided by city ordinance. The city allows no more than 20% of the total trees should be from any one genus and no more than 10% should be from any one species. Additionally, species selection should be based on the site conditions – clay, alkaline, droughty soils.

Parking lot, perimeter, foundation, and open space landscaping will need to meet minimum city requirements and, ideally, exceed those requirements. As drawn on the submitted plans, the parking lot design is denoting only half as many landscape islands as would be required by ordinance. Installing only 50% of the landscaping leaves large expanses of unadorned, heat-accumulating, blank pavement. The intent of city ordinances is to eliminate vast, unaesthetic parking areas. This site is ideal for incorporating resilient landscaping that serves to create a pleasing environment, trap stormwater and reduce water use. Large planting beds that can act as stormwater features and allow for optimal tree and plant growth as well as elevated aesthetics should be incorporated. Maplewood Mall should serve as an example of parking areas that endeavor to minimize the detrimental effects of impervious surfaces. For a local example, the

Chaska Curling Center has successfully designed a parking lot that includes aesthetically pleasing landscaping treatments as well as stormwater management.



If the proposed plan remains committed to individual landscape islands, then silva cells, engineered soil or other accommodations must be used in order to insure the survival of the trees. A reuse watering system should be considered to irrigate plantings. With the amount of impervious surface on site, adequate reservoirs of stormwater runoff will exist to serve the irrigation needs of the site. Foundation plantings will be expected for all buildings on site and residential landscaping requirements will also need to be met for those specific areas. To meet the design goals as stated in the narrative, overall tree cover should be at least 20-25% or higher in commercial areas and a minimum of 30-35% or higher in residential areas.

**Carver County Comments** (from letter dated May 21, 2020)

Carver County has submitted a letter regarding compliance addressing access controls on to county roads. This letter is similar to the letter from the 2017 preliminary approval. The developer will be required to adhere to the county's conditions.

**Minnesota Department of Transportation (MnDot) Letter** (dated May 20, 2020)

The Minnesota Department of Transportation has submitted a letter regarding compliance with their Noise and Water Resources (drainage requirement). This letter is similar to the letter from the 2017 preliminary approval. The developer will be required to adhere to MnDot's conditions.



### **Park and Trail**

1. Incorporate meaningful park-like places, including the provision of appropriate recreation equipment, site furnishings, and landscaping adjacent to residential components.
2. Preserve the woodlands identified in the Bluff Creek Overlay District. Provide a blanket trail easement over the entire preserved area to accommodate the installation of natural surface public trails.
3. Provide an attractive public trail connection from the north entering the Bluff Creek Overlay District.
4. Incorporate traffic calming into all pedestrian crossing locations.
5. Full park dedication fees shall be collected per city ordinance in lieu of requiring parkland dedication.

### **RECOMMENDATIONS**

"The Planning Commission recommends approval of Planning Case #2017-19 to rezone 118+/- acres of property zoned A-2, Agricultural Estate District, to Regional Commercial – PUD Subdivision contingent upon final plat approval, as shown in plans from Landform dated April 14, 2017 and June 12, 2017 and adoption of the Findings of Fact and Recommendation."

### **PUD**

The Chanhassen Planning Commission recommends that City Council approve the Rezoning of 118+/- acres, from Agricultural Estate District, A-2, to PUD Regional Commercial including "*Exhibit A* Avienda Design Standards".

### **SUBDIVISION**

"The Chanhassen Planning Commission recommends that City Council approve the Subdivision Preliminary Plat creating 19 lots, 3 outlots and dedication of public right-of-way, plans prepared by Landform dated May 1, 2020, subject to the following conditions:

### **Engineering**

1. If subsequent phases require retaining walls they shall be privately owned and maintained.

2. As large, landscaped boulevards are proposed, the applicant shall add a note to the typical sections to identify a corridor for installation of private utilities such as power, communication, gas, etc.
3. The applicant shall show the road profiles and a horizontal alignment table in the plan set for all public roads prior to final plat.
4. The public roads constructed with this development are: Bluff Creek Boulevard, Avienda Parkway, Sunset Trail and Mills Drive. All other roads and drives constructed with this development will be privately owned and maintained.
5. The applicant proposes an Ultimate Plan for the Bluff Creek intersection with Powers Boulevard that includes two-lane entry into the roundabout. The city requires this Ultimate Plan be constructed at this time, but the roadway can be striped for one-lane only.
6. Staff recommends the applicant add traffic calming measures to Avienda Parkway near the residential areas of development. Specifically, the applicant shall incorporate pedestrian-friendly crossing features to the intersection at Mills Drive and Avienda Parkway.
7. Trails and pedestrian walks not located within public right-of-way shall be privately owned and maintained.
8. ADA-compliant pedestrian ramps shall be constructed at all intersections and median refuges per the MnDOT standard details.
9. Sanitary and water main structures shall not be located within landscaped medians or roundabouts. Final review of the location of sanitary sewer mains and water mains, and their appurtenances, will be conducted prior to final plat and/or permitting.
10. All sanitary and water mains constructed within the right-of-way shall be publically owned and maintained.
11. Private sanitary and water mains shall inspected and constructed to meet the city's requirements for public utilities.
12. The developer will be required to complete the water main loop along Lyman Boulevard.
13. Permanent stormwater management controls and the associated permits are required in accordance with all underlying jurisdictional authorities, including but not limited to the Riley Purgatory Bluff Creek Watershed District, prior to construction activities.

14. The applicant must provide a figure clearly identifying the areas to be irrigated with areas quantified, which is not included in the current plans.
15. The portion of the development with single-family housing must pay a water and sanitary service partial hook-up fee at a rate in place at the time of replat. The remaining hook-up fees would be paid with the building permits.
16. The developer shall work with the Building Department to determine the city SAC and WAC fees for commercial and multi-family buildings. The hook-up fees for commercial and multi-family buildings are due with the building permit at the rate in place at that time.
17. The developer shall escrow funds for installation of traffic signals at Sunset Trail, Powers Boulevard and Audubon Road. The escrow amount shall be based on the Carver County's cost participation policy as published on their website.
18. It is the applicant's responsibility to ensure that permits are received from all other agencies with jurisdiction over the project (i.e. Army Corps of Engineers, DNR, MnDot, Carver County, RPBC Watershed District, Board of Water and Soil Resources, PCA, etc.).
19. A drainage and utility easement shall be placed over any outlots.
20. The developer shall dedicate the Conservation Easement containing the Bluff Creek Primary Zone to the city.

### **Landscaping**

1. Parking lot islands shall be linear areas incorporating planting area and stormwater management.
2. If the applicant chooses to install the minimum requirement sizes of parking lot landscaping islands, then silva cells, engineered soil or other accommodations must be used.
3. No more than 20% of the total trees should be from any one genus and no more than 10% should be from any one species.
4. A reuse watering system should be considered to irrigate all plantings within the site.
5. Drought tolerant plants shall be incorporate into the overall landscape plan.
6. Proposed landscaping plant materials shall be selected based on site conditions.

7. At a minimum, overall tree cover should be at least 20-25% or higher in commercial areas and a minimum of 30-35% or higher in residential areas.
8. No boulevard tree plantings will be allowed to be located between the street and the trail/sidewalk on public roads.
9. Any landscaping located within the ROW shall be covered by an encroachment and maintenance agreement.

### **Park and Trail**

1. Incorporate meaningful park-like places, including the provision of appropriate recreation equipment, site furnishings, and landscaping adjacent to residential components.
2. Preserve the woodlands identified in the Bluff Creek Overlay District. Provide a blanket trail easement over the entire preserved area to accommodate the installation of natural surface public trails.
3. Provide an attractive public trail connection from the north entering the Bluff Creek Overlay District.
4. Incorporate traffic calming into all pedestrian crossing locations.
5. Full park dedication fees shall be collected per city ordinance in lieu of requiring parkland dedication.

### **Building Official Comments**

1. The buildings are required to have automatic fire extinguishing systems.
2. A final grading plan and soils report must be submitted to the Inspections Division before permits can be issued.
3. Retaining walls over 4 feet high require a building permit and must be designed by a professional engineer.
4. Building plans must be prepared and signed by design professionals licensed in the State of Minnesota.
5. Building plans (when submitted) must include a code analysis that contains the following information: Key Plan, Occupancy Group, Type of Construction, Allowable Height and Area, Fire Sprinklers, Separated or Non-Separated, Fire Resistive Elements (Exterior walls, Bearing walls - exterior or interior, Shaft, Incidental Use), Occupant Load, Exits Required (Common Path, Travel distance), Minimum Plumbing Fixture Count.

6. Detailed occupancy related requirements will be addressed when complete building plans are submitted.
7. Structure proximity to property lines (and other buildings) will have an impact on the Code requirements for the proposed building, including but not limited to allowable size, protected openings and fire-resistive construction. These requirements will be addressed when complete building and site plans are submitted.
8. Every building, containing any plumbing fixtures and/or receptors, must have its own independent connection with a public or private sewer, except that a group of buildings may be connected to one or more manholes which are constructed on the premises and connected to a public or private sewer. (MSPC 713.0)
9. The developer must submit a list of proposed street names for review and approval prior to final plat of the property.

#### **Fire Department Comments**

The east and westbound driving lanes of Bluff Creek Boulevard extending from Powers Boulevard to the existing Bluff Creek Boulevard be increased from 16 feet to 20 feet curb to curb. This is in order for emergency apparatus to safely pass cars and trucks once they pull over and stop.

#### **Conditional Use Permit**

*The Conditional Use Permit was already approved and will be reaffirmed with the revised preliminary plat with City Council approvals.*

“The Chanhassen Planning Commission recommends that City Council approve the Conditional Use Permit to encroach into the Primary Zone and required buffer for the construction of Bluff Creek Boulevard subject to conditions in the staff report:

1. The developer shall dedicate the Conservation Easement containing the Bluff Creek Primary Zone to the city.
2. The developer shall provide the city with a management plan for the area and submit to the city for review.
3. Monuments indicating the Bluff Creek Overlay District shall be placed at every other property corner and at an angle of deflection greater than seven percent, but in no case shall they be greater than 150 feet apart.
4. The developer shall not encroach into the Bluff Creek Primary Zone.

5. The developer shall comply with the with the 40-foot Primary Zone setback and preserve or create a 20 foot buffer from the Primary Zone.
6. The buffer will be required to have a vegetation management plan and soil amendments.

### **Wetland Alteration Permit**

*The Wetland Alteration Permit was already approved will be reaffirmed with the revised preliminary plat with City Council approvals.*

The Chanhassen Planning Commission recommends that City Council approve the Wetland Alteration Permit to 4.4659 acres of permanent wetland impacts subject to conditions:

1. The applicant needs to supply the needed additional information to the city. The additional information is needed to determine if the project meets the WCA requirements.
2. A Technical Evaluation Panel (TEP) meeting is needed to review the application.
3. If the application is deemed to meet the avoidance and minimization criteria of the WCA, a mitigation plan that adequately replaces wetland functions and values is needed.
4. City staff has reviewed mitigation options. City staff recommends the applicant provide wetland mitigation via the purchase of wetland bank credits, at a ratio of 2:1, in accordance with WCA requirements. **This condition has been met - see attachment.**
5. The applicant shall contribute \$300,000 to the city for water quality improvement projects within the watershed.

### **FINDINGS OF FACT AND RECOMMENDATION**

The Planning Commission also adopts the attached Findings of Fact and Recommendation.

### **ATTACHMENTS**

1. Development Review Application
2. Application Narrative
3. Development Plans
4. Plat and Engineering Plans
5. Exhibit A – Avienda PUD and Sign Details
6. Avienda Design Guidelines
7. Memo from Minnesota Department of Transportation
8. Letter from Carver County

9. Wetland Banking
10. Findings of Fact and Recommendation
11. Affidavit of Mailing

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