

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA
RESOLUTION NO. 2019-072**

***RESOLUTION APPROVING THE CONTINENTAL 483 FUND LLC – SPRINGS
APARTMENTS FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD)
PLANS***

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Continental 483 Fund LLC, c/o Gwyn Wheeler, W134 N8675 Executive Parkway, Menomonee Falls, Wisconsin 53051, submitted an application to the City of Lake Elmo (City) for a Final Plat and Final PUD Plan approval for a 300 unit, attached housing residential planned unit development on a 17.33 acre site to be known as the Springs Apartments, a copy of which is on file in the City of Lake Elmo Planning Department; and

WHEREAS, notice was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on September 9, 2019 to review and consider the proposed Final Plat and Final PUD plans; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending to the City Council approval of the proposed Final Plat and Final PUD plans subject to conditions of approval; and

WHEREAS, the Lake Elmo Planning Director submitted a report and recommendation regarding the proposed Final Plat and Final PUD plans as part of a memorandum to the City Council for the October 1, 2019 City Council Meeting; and

WHEREAS, the City Council reviewed the proposed Final Plat and Final PUD application and plans for the Springs Apartments at its meeting held on October 1, 2019 and made the following findings of fact:

1. That if the 2040 Lake Elmo Comprehensive Plan Update and updated Land Use Map are approved in 2019, that the new land use designation for the site of the proposed planned development will be MU-C (mixed use commercial); and that the preliminary PUD Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the Final PUD Plan complies with the general intent of the Urban High Density Residential zoning district with PUD modifications including the reduced building setbacks to Julia Avenue and to the north property line.
3. That the Final Plat and Final PUD Plan generally complies with the City's Subdivision regulations.
4. That the Final PUD Plan must be revised to be consistent with the City's engineering standards as noted in the City Engineer's plat review memorandum dated August 28, 2019 and in his construction review memorandum dated September 6, 2019.
5. That the preliminary PUD Plan meets the minimum requirements for a PUD including minimum lot area, open space and street layout.

6. That the preliminary PUD Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing; innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.
7. That the Final PUD Plan includes several amenities that may be worthy of amenity points to increase the overall housing density in the development. These amenities may include: right-of-way dedication, contained parking, pedestrian improvements, a plaza (gathering area) and the use of design elements consistent with the 2013 Lake Elmo Branding and Theming project.
8. That the Applicant's Final PUD plan provides the following amenities, for which the City may award amenity points:
 - a. Pedestrian improvements. (5 points)
 - b. Theming elements from the Lake Elmo Theming Study (1-2 points).
 - c. Plaza/gathering location (5 points).
 - d. Contained Parking (5 points)

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Final Plat and Final PUD Plans for the Springs Apartments on Hudson Boulevard as prepared by Continental 483 Fund LLC subject to the following conditions:

1. That the Metropolitan Council give final approval of a City's 2040 Comprehensive Plan Update and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council. The City's final plat approval will be good for 120 days after the Met Council's approval of the City's 2040 Comprehensive Plan update or for 120 days after the City Council's approval of the final plat, whichever comes first.
2. That the developer or property owner for the Union Park development recording with Washington County the Union Park final plat to create the street rights-of-ways and the lot (proposed Outlot H) for this development.
3. That the Final Plat approval is contingent upon the City receiving separate drainage and utility easements, in the City's standard form of easement agreement for all temporary and off-site development improvements. The easements must be obtained and recorded before recording of final plat.
4. That the City approves a Zoning Map Amendment to rezone the site from RT (Rural Development Transitional) to HDR (Urban High Density Residential). **(Completed – subject to the final approvals of the 2040 Comprehensive Plan)**
5. That the final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.
6. That the applicant address all comments and conditions of approval in the City Engineer's plat review Memorandum dated August 28, 2019. The City will not release the final plat for recording until the City has granted approval of the construction plans.
7. That the final Plat and final PUD project and construction plans include a revised tree preservation/replanting and revised landscape plans to address all the comments and changes noted in the memo from the City's Landscape Architect dated July 30, 2019. The City's

Landscape Architect must review and approve all final landscape plans before the City will release the final plat for recording or before the start of construction or grading.

8. That the final Plat and final PUD Plans include updated open space and impervious surface calculations.
9. That the final plat show a drainage and utility easement over the wetland and the wetland buffers, including the 100-year high water level.
10. That the developer or contractor install an 8-foot-wide bituminous trail along Hudson Boulevard and along the future north/south road (Julia Avenue) as part of this development.
11. That the applicant provide the City fees in lieu of park land dedication as required by Section 153.14 with the final plat.
12. That if the applicant wants amenity points for theming, that they provide the City for staff approval specific examples of proposed development fencing, landscaping, lighting and site furnishings, that will meet the standards outlined in the Lake Elmo Branding and Theming Study. The design and placement of these elements and features shall be subject to City staff approval.
13. That the final plat and final PUD Plans submittal include detailed architectural plans for the exterior of the buildings (including colors and a listing of all exterior materials) for staff review and approval. **(Complete)**
14. That the applicant receives a permit from the Valley Branch Watershed District and South Washington Watershed District for the construction of the proposed development. **(Pending)**
15. That the Final project plans shall include a complete storm water management plan and construction plans that provide all design details for the proposed underground storage systems including details regarding building roof drainage connections. These plans also must incorporate storm water management for the Hudson Boulevard and Julia Avenue Street improvements including the future east bound left turn lane along Hudson Boulevard at Julia Avenue and must meet all City, VBWD and SWWD requirements. **(Pending)**
16. All storm water facilities internal to the site shall be privately owned and maintained. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
17. That the Final Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
18. That the PUD overlay zoning allow for the following:

a. Setbacks:

Springs Apartments at Lake Elmo Minimum Building Setbacks

Front (Hudson Blvd).	20 ft.
Interior Side	10 ft.
Corner Side (Julia Avenue)	10 ft.
Rear (north property line)	20 ft.
Rear (north property line – detached garages)	10 ft.

- b. Attached Garages: That the attached garages shall not exceed 1,000 sq. ft. in area at the ground floor level except by conditional use permit.
- c. Detached Garages: That the detached garages shall not exceed 3,000 sq. ft. in area at the ground floor level.

19. The Final Plat shall include all necessary public right-of-way and easements for Hudson Boulevard and for the new north/south road (Julia Avenue North). **(Complete....pending the recording of Union Park final plat.)**
20. Before the City issues any building permits, the developer shall delineate and identify all wetland buffers via staking, fencing and/or signage that is acceptable to the City.
21. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts before the commencement of any grading or development activity on the site.
22. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), MPCA, MDH, MnDOT, NPDES/SWPPP permits and Valley Branch Watershed District, and SWWD approval before starting any site grading or construction activities. **(Pending)**
23. That if necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work or grading. **(Pending)**
24. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final PUD, site and building plans including the placement of buildings and fire hydrants, street and driveway design, parking and emergency vehicle access within the site.
25. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, fences, retaining walls, buildings and storm water retention.
26. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed locations of retaining walls, fences and accessory buildings and the required and proposed setbacks for each building site within the development.
27. The Applicant(s) or developer shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code. The City must approve this plan before issuing a building permit for the development.
28. Before to the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City. The proposed monument entrance sign submitted with the preliminary PUD plans is not approved as it exceeds the City size limit of 32 square feet.
29. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement with the City. The Developer's Agreement must be approved by the City Attorney and by the City Council. Such Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore. **(Pending)**
30. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat approval. The City shall review any grading plan that is submitted in advance of a final plat and said plan shall document extent of any proposed grading on the site.
31. That the applicant revise the site and project plans to show a five-foot-wide concrete sidewalk along the west side of the entrance driveway (with the necessary pedestrian ramps) connecting the Clubhouse to the trail along Hudson Boulevard. **(Completed)**
32. That the City's final plat approval is good for 180 days from the date of City Council action, unless the applicant requests and the City Council approves a time extension.
33. That the applicant record the final plat with Washington County within 180 days of City Council approval (as required by the City Code).
34. That the maximum density shall not exceed 15 dwelling units per net acre unless the City Council approves specific project design elements and amenity points that increase the allowed density for the proposal.
35. That the applicant change the project plans to show a 5-foot-tall decorative fence around the entire site. The City does not approve the use of chain link fencing around the perimeter of this PUD.

36. That the applicant/owner notify all renters that the City may impose restrictions or limits on outdoor water use including no vehicle washing and no watering of grass, sod or landscaping.
37. That the applicant shall submit revised project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the above conditions before the start of any clearing or grading or construction activity on the site.

Passed and duly adopted this 1st day of October, 2019 by the Lake Elmo Minnesota City Council.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk