

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

RESOLUTION NO. 2018-099

*RESOLUTION APPROVING THE GROWING EXPLORERS FINAL PLAT AND 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, Shamsi, LLC, 9568 Hillington Road, Woodbury, MN 55125 (the "Applicant") submitted an application to the City of Lake Elmo (the "City") for a Final Plat and Planned Unit Development Plans, copies of which are on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, notice has been 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 August 15, 2018 to consider the Final Plat and PUD Plans; and

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

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat and PUD Plans as part of a memorandum to the City Council from the Planning Director for the August 21, 2018 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on August 21, 2018 and made the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat have been met by the Applicant.
2. That the Growing Explorers Final Plat and PUD Plans are generally consistent with the Boulder Ponds Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on September 16, 2014 by Resolution 2014-73.
 - 1) That the Growing Explorers Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
 - 2) That the Growing Explorers Final Plat generally complies with the City's Commercial zoning district except for the required setbacks of the parking area (32.7 feet where 35 feet is required) and building (33.6 feet where 50 feet is required) from residential zones.

- 3) That the Growing Explorers Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 4) That the Growing Explorers Final Plat complies with the City's subdivision ordinance.
- 5) That the Growing Explorers Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.
- 6) That the Growing Explorers Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated August 2, 2018.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Growing Explorers Final Plat and PUD Plans subject to the following conditions:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plat and plans requested by the City Engineer in memos dated August 2, 2018 shall be incorporated into these documents before prior to signing the Plat for recording.
- 2) Prior to the release of the Final Plat for recording, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to recording. Easements may need to be revised pending review by the City of a detailed right-of-way boulevard plan and updated grading plans showing the storm water high water levels.
- 4) The Final Landscape and Irrigation Plans shall be submitted for review and approval by the City Landscape Architect Consultant prior to the release of building permits.
- 5) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, South Washington Watershed District permit, etc.
- 6) Any plans for construction on the newly created parcel must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Commercial zoning district.
- 7) The site plan is subject to a storm water management plan meeting State, South Washington Watershed District and City rules and regulations. All applicable permits must be obtained.

- 8) A Stormwater Maintenance and Easement Agreement in the City's Standard form is required for the privately-owned system.

Passed and duly adopted this 4th day of September, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION 2018-

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY
FOR PID# 34.029.21.33.0022*

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

WHEREAS, Shamsi, LLC, 9568 Hillingdon Road, Woodbury, MN 55125 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a daycare facility for Outlot A of Boulder Ponds 1st Addition (PID# 34.029.21.33.0022) (the “Property”); and

WHEREAS, a request for approval of the Growing Explorers Final Plat and Planned Unit Development Plans was also submitted by the Applicant for Outlot A of Boulder Ponds 1st Addition; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on August 15, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated August 15, 2018, and

WHEREAS, the City Council considered said matter at its August 21, 2018 meeting; and

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

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:

- a) A Conditional Use Permit for a day care center to be called Growing Explorers for Lot 1, Block 1, Growing Explorers.
- 4) That the City approved the Applicant's request for the Growing Explorers Final Plat and PUD Plans.
- 5) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 6) The use or development conforms to the City of Lake Elmo Comprehensive Plan, as the property is guided for Commercial, and a day care center is a conditional use in the Commercial zoning district.
- 7) The use or development is compatible with the existing neighborhood.
- 8) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
- 9) That the proposed use is not in a flood plain management or shoreland area.
- 10) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- 11) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.
- 12) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- 13) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 14) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors, as trips generated to the site will be limited to certain times of the day.
- 15) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

- 16) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby approves the request by Shamsi, LLC for a Conditional Use Permit for a day care center with the following conditions of approval:

- 1) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 2) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 3) 3) Landscape plans must be approved by the City's Landscape Architect prior to recording of the final plat. The landscape plans must meet all city screening requirements including screening of the playground equipment from adjacent properties and the public right-of-way, except that screening on the northern portion of the property does not need to include a masonry wall, fence, or vegetative hedge row.
- 4) A sign permit shall be obtained prior to erection of any sign on the property.
- 5) The proposed building shall meet the Lake Elmo Design Guidelines and Standards.
- 6) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.

Passed and duly adopted this 4th day of September 2018 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk