

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

**RESOLUTION NO. 2019-017**

***RESOLUTION APPROVING THE CONTINENTAL 483 FUND LLC – SPRINGS  
APARTMENTS CONCEPT 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 Concept PUD Plan for a 300 unit, attached housing residential planned unit development on a 20.36 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 February 11, 2019 to review and consider the Concept PUD approval request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending to the City Council approval of the Concept PUD subject to 13 conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Director submitted a report and recommendation regarding the Concept PUD as part of a memorandum to the City Council for the March 5, 2019 City Council Meeting; and

**WHEREAS**, the City Council reviewed the Concept PUD application for the Springs Apartments at its meeting held on March 5, 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 PUD Concept 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 PUD Concept Plan complies with the general intent of the Urban High Density Residential zoning district with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated January 28, 2019.

5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept 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. The PUD Concept Plan meets the expected residential density requirements provided by the 2040 Comprehensive Plan's Land Use Map designation (mixed-use commercial) for this site.

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

1. Approval of a City's 2040 Comprehensive Plan Update by the Metropolitan Council and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council before the applicant may submit final plat and final PUD approval applications to the City for consideration. As an alternative, the applicant, at their own risk, may submit applications to the City for the preliminary plat and preliminary PUD approvals for this site such that the City's review of these requests would run concurrently with the Met Council's review and final approval of the 2040 Comprehensive Plan. All development plans and City reviews and approvals for this site would be contingent on the City receiving final approvals of the 2040 Comprehensive Plan.
2. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions necessary for the right-of-way for the north-south street and all additional right-of-way needed for Hudson Boulevard as the proposal only includes a portion of the parcel with the PID# 34.029.21.43.0003.
3. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code.
4. That the applicant address all comments in the City Engineer's Memorandum dated January 28, 2019 with the future preliminary plat and preliminary PUD Plans submittal.
5. That the Preliminary Plat and PUD Plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect.
6. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.

7. That the developer install a bituminous trail along Hudson Boulevard and along the future north/south road as part of this development.
8. That the developer pay fees to the City in lieu of park land dedication as required by 153.14 with future final plat.
9. That the preliminary plat and preliminary PUD Plans submittal include detailed architectural plans.
10. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
11. That the developer/applicant address all comments of the Fire Chief with any future preliminary plat plans and preliminary PUD plan submittal.
12. That the developer/applicant address all comments of the Building Official (dated January 29, 2019) with any future preliminary plat plans and preliminary PUD plan submittal.
13. That the developer or applicant demonstrate to the City that the proposed housing units would meet the State of Minnesota Noise standards for residential development through construction and sound-proofing measures.

Passed and duly adopted this 5th day of March, 2019 by the Lake Elmo Minnesota City Council.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk