

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

RESOLUTION NO. 2019-083

***RESOLUTION APPROVING THE FRISBEE PROPERTIES LAKE ELMO SENIOR
HOUSING PRELIMINARY PLAT AND PRELIMINARY 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, Mathew Frisbee, representing Ayers and Associates, submitted an application to the City of Lake Elmo (City) for a Preliminary PUD Plan for a 60 unit, senior rental housing residential planned unit development on a 5 acre site on the north side of 39th Street North to be known as the Lake Elmo Senior Housing, 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 October 16, 2019 to review and consider the Preliminary PUD approval request; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending to the City Council approval of the Preliminary PUD subject to 29 conditions of approval; and

WHEREAS, the Lake Elmo Planning Director submitted a report and recommendation about the Preliminary PUD as part of a memorandum to the City Council for the November 5, 2019 City Council Meeting; and

WHEREAS, the City Council reviewed the Preliminary PUD application for the Lake Elmo Senior Housing at its meeting held on November 5, 2019 and made the following findings of fact:

1. That the Preliminary PUD Plan meets the general intent of the Village Mixed Use Land Use designation in the Comprehensive Plan and the Village Mixed Use zoning district with PUD modifications.
2. That the Preliminary PUD Plan generally complies with the City's Subdivision regulations.
3. That the Preliminary PUD Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated October 10, 2019.
4. The Preliminary PUD Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
5. 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.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Preliminary PUD Plans for the Lake Elmo Senior Housing development as prepared by Mathew Frisbee for Ayers and Associates (to be located on the north side of 39th Street) subject to the following conditions:

1. That the applicant prepare any future final plat and final PUD plans showing all of the site perimeter property lines - including any revisions for any additional right-of-way or easements that may be needed for 39th Street or around the perimeter of the property.
2. That the future final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.
3. That the applicant address all comments in the City Engineer's Memorandum dated October 10, 2019 with the future final plat and final PUD Plans submittal. These include having only one driveway for the site and managing all storm water on the site.
4. That the final Plat and final PUD Plans submittal include an updated tree inventory and tree preservation/replanting and landscape and screening plans that address all comments in the City's Landscape Architect's memo dated October 2, 2019. All revised and final landscape plans shall be reviewed and approved by the City's Landscape Architect. All tree planting must outside of the front, side and rear drainage and utility easements.
5. That the final Plat and final PUD Plans submittal include accurate open space and impervious surface calculations.
6. That the developer provide the City fees in lieu of park land dedication as required by the City Code.
7. That the final plat and final PUD Plans submittal include detailed architectural plans for all the proposed buildings.
8. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
9. 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 for all 100-year high water level areas and to protect all overland emergency flow paths.
10. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
11. That the PUD overlay zoning allow for the following:
 - a. Setbacks:

Lake Elmo Senior Living (39th Street) Minimum Building Setbacks

Front (39 th Street).	20 ft.
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Interior Side	20 ft.
Rear (north property line)	50 ft.

b. Attached Garages: That each of the attached garages for the patio homes shall not exceed 1,000 sq. ft. in area.

12. The Final Plat/Final PUD shall include all necessary public right-of-way and easements for 39th Street North.
13. The Final Plat/Final PUD submittal must 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.
14. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
15. That the Final Plat/Final PUD include Valley Branch Watershed District preliminary review comments and that the applicant provide the City evidence that all conditions attached to a Valley Branch Watershed District permit will be met before the starting any grading activity on the site.
16. 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, grading and as part of any final plat or final PUD application.
17. That the applicant or developer address all the comments of the Fire Chief and the Building Official with the 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.
18. That the applicant revise the project plans to show watermain easements and effective maintenance areas with a minimum width of 30 feet with a minimum of 15 feet of clearance from the pipe centerline and easement agreements are included with the final plat and PUD application and plans.
19. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, fences, retaining walls and buildings.
20. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed locations of retaining walls and fences and the required and proposed setbacks for each building site within the development.
21. 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.

22. 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.
23. That the applicant provide the City a detailed construction and staging plan with the construction plans and final plat for the development. These plans are to clearly indicate the phasing of the site grading, the phasing of the construction of each public infrastructure component (trails and sidewalks) and shall address access to that phase of the development for construction purposes and for residents. The City may require temporary cul-de-sacs or turn-arounds at the end the private driveways.
24. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.
25. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat of PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document extent of any proposed grading on the site.
26. That the maximum density shall not exceed 10 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.
27. 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.
28. That the applicant shall submit revised preliminary plat and 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 City will accept a final plat or Final PUD application the development and before the start of any clearing or grading activity on the site.
29. That the City's preliminary plat/preliminary PUD approval is good for one year from the date of City Council action, unless the applicant requests and the City Council approves a time extension.

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



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk