

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

RESOLUTION NO. 2020-014

***RESOLUTION APPROVING THE UNITED PROPERTIES APPLEWOOD POINTE OF 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, Jennifer Mason, representing United Properties, submitted an application to the City of Lake Elmo (City) for a Preliminary Plat and Preliminary PUD Plan for a 103 unit, senior housing residential planned unit development on a 11.7 acre site on the corner of Hudson Boulevard and Eagle Point Boulevard to be known as Applewood Pointe of Lake Elmo, 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 January 13, 2020 to review and consider the Preliminary Plat and Preliminary PUD approval request; and

WHEREAS, the consensus of the Lake Elmo Planning Commission was to recommend to the City Council approval of the Preliminary Plat and Preliminary PUD subject to 41 conditions of approval; and

WHEREAS, the Lake Elmo Planning Director submitted a report and recommendation about the Preliminary Plat and Preliminary PUD as part of a memorandum to the City Council for the February 4, 2020 and April 7, 2020 City Council Meetings; and

WHEREAS, the City Council reviewed the Preliminary Plat and Preliminary PUD application for the Applewood of Lake Elmo Senior Housing at its meetings held on February 4, 2020 and on April 7, 2020 and made the following findings of fact:

1. That if the City amends the Lake Elmo Comprehensive Plan and Land Use Map to re-guide the site of this PUD from BP (business park) to MU-BP (mixed use business park), the preliminary PUD plan would be consistent with the intent of the Lake Elmo Comprehensive Plan and Future Land Use Map for the area.
2. That the preliminary PUD Plan will meet the general intent of the Mixed Use Business Park Land Use designation in the Comprehensive Plan (with a Comprehensive Plan amendment) and the Mixed Use Business Park (MU-BP) zoning district with PUD modifications.
3. That the preliminary PUD Plan generally complies with the City's Subdivision regulations.
4. 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 January 7, 2020.

5. That the preliminary PUD Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. That if the proposed preliminary PUD Plan has no more than 103 residential units, it will meet the allowed density requirement provided the City amends the Comprehensive Plan's Land Use Map to re-guide this site from Business Park (BP) to Mixed Use Business Park (MU-BP).
7. 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.
8. That if the City approves the proposed PUD for Applewood Pointe of Lake Elmo it will amend the Eagle Pointe Business Park PUD to allow for a residential development on this property (Outlot C, Eagle Point Business Park Second Addition – PIN 33-029-21-44-0009).

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Preliminary Plan and Preliminary PUD Plans for the Applewood of Lake Elmo Senior Housing development as submitted by United Properties (to be located on the corner of Hudson Boulevard and Eagle Point Boulevard) subject to the following conditions:

1. That the City approves a Comprehensive Plan Amendment to amend the City's Land Use Plan to re-guide the property from BP (business park) to MU-BP (mixed use business park).
2. That the City approves a Zoning Map Amendment to rezone the site from BP (business park) to MU-BP (mixed use business park).
3. That the future final plat and final PUD plans would be for the parcel with the PID #33.029.21.44.0009.
4. That the applicant prepare any future final plat and final PUD plans showing all of the site perimeter property lines - including any revisions for the dedication of additional right-of-way or easements that may be needed for Hudson Boulevard or for Eagle Point Boulevard.
5. That the future final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.
6. That the applicant addresses all comments in the City Engineer's Memorandum dated January 7, 2020 with the updated preliminary plat and preliminary PUD Plan submittal. These include completing all necessary improvements in and along Hudson Boulevard and Eagle Point Boulevard, installing a public trail along Hudson Boulevard, the dedication of additional street right-of-way and managing all storm water on the site.
7. That the final Plat and final PUD Plans submittal include complete tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect. The landscape plans must be revised to relocate all trees outside of the

- proposed public easement areas including the proposed watermain easements and the property line drainage and utility easements.
8. That the final Plat and final PUD Plans submittal include accurate open space and impervious surface calculations.
 9. That the final plat show drainage and utility easements over the stormwater ponding areas, wetlands and the wetland buffers, including the 100-year high water level.
 10. That the applicant/developer provide the City fees in lieu of park land dedication as required by 153.14 with future final plat.
 11. That the final plat and final PUD Plans submittal include detailed architectural plans for the building.
 12. The applicant receives a permit from the South Washington Watershed District for the construction of the proposed development.
 13. That the applicant/developer install a 8-foot-wide trail along Hudson Boulevard and a 6-foot-wide concrete sidewalk along Eagle Point Boulevard as a part of the improvement of the site.
 14. That the applicant/developer installs all the required improvements in and adjacent to Hudson Boulevard.
 15. 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.
 16. 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.

17. That the PUD overlay zoning allow for the following:

a. Setbacks:

Applewood Pointe of Lake Elmo - Minimum Building Setbacks

Front (Eagle Point Boulevard).	20 ft.
Interior Side	20 ft.
Rear (south property line)	50 ft.

b. The maximum building height shall be 50 feet.

18. The Final Plat/Final PUD shall include all necessary and additional public right-of-way and easements for Hudson Boulevard and for Eagle Point Boulevard. These shall include any drainage and utility easements, any additional street right-of-way and any necessary pedestrian easements for sidewalks or trails.
19. 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.

20. 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 South Washington Watershed District approval before starting any grading or construction activities.
21. That the Final Plat/Final PUD include South Washington Watershed District preliminary review comments and that the applicant provide the City evidence that all conditions attached to a South Washington Watershed District permit will be met before the starting any grading activity on the site.
22. That before the City issues any grading or building permits, the developer shall delineate and identify all wetland buffers via staking, fencing and/or signage that are acceptable to the City.
23. That 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.
24. 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.
25. 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 building and fire hydrants, street and driveway design, parking and emergency vehicle access within the site.
26. That the applicant revises 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.
27. That the applicant provide the City domestic and fire suppression demand information for the facility with the updated preliminary plans so City staff may verify the capacity and needs of the water system.
28. That the applicant shall be responsible to place fire hydrants and water valves throughout the property at the direction of the Lake Elmo Public Works Director and the Fire Department. All fire hydrants shall be owned and maintained by the City.
29. 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.
30. 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.
31. That 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.
32. 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.
33. That the applicant provides 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 and shall address access to that phase of the development for construction purposes and for residents. The City may require temporary cul-de-sacs at the end the private driveways.

34. 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.
35. 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.
36. That if the City amends the land use plan to BP-MU for this site, the maximum density of this development shall not exceed 10 dwelling units per net acre. With 10.34 net acres, the maximum number of residential units allowed on this site with a BP-MU land use designation is 103 residential units.
37. That the applicant/owner notify all buyers and owners that the City may impose restrictions or limits on outdoor water use including no vehicle washing and no watering of grass, sod or landscaping.
38. That the applicant/owner provide the Fire Department and the Sheriff's Department with keys, key cards or other acceptable methods of entry for quick access into the building for emergency service calls.
39. That the City does not allow any parking and construction staging, including the loading and unloading of materials and equipment at any time on Hudson Boulevard or on Eagle Point Boulevard during the construction of the site improvements and building.
40. 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 for the development and before the start of any clearing or grading activity on the site.
41. The Developer shall contribute \$70,000 to the City for their proportionate share of the costs for the necessary improvements to the sanitary sewer system.
42. 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 7th day of April, 2020 by the Lake Elmo Minnesota City Council.



Mike Pearson, Mayor

ATTEST:


Julie Johnson, City Clerk