

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

**RESOLUTION NO. 2020-005**

***RESOLUTION APPROVING THE FRISBEE PROPERTIES LAKE ELMO SENIOR LIVING  
FINAL PLAT AND FINAL 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 Final PUD Plan for a 60 unit, senior rental housing residential planned unit development on a 5 acre site on the north side of 39<sup>th</sup> Street North to be known as the Lake Elmo Senior Living, 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 December 9, 2019 to review and consider the Final PUD approval request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending to the City Council approval of the Final PUD subject to 32 conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Director submitted a report and recommendation about the Final PUD as part of a memorandum to the City Council for the January 7, 2020 City Council Meeting; and

**WHEREAS**, the City Council reviewed the Final PUD application and proposed project plans for the Lake Elmo Senior Living at its meeting held on January 7, 2020 and made the following findings of fact:

1. That the Final 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 Final PUD Plan generally complies with the City's Subdivision regulations.
3. That the Final PUD Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated December 02, 2019.
4. The Final PUD Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
5. The Final 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.

6. 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 include: Underground or structure parking, contained parking, pedestrian improvements, a plaza (gathering area), increased landscaping and the use of design elements consistent with the 2013 Lake Elmo Branding and Theming Project.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Final PUD Plans for the Lake Elmo Senior Living housing development as prepared by Mathew Frisbee for Ayers and Associates (to be located on the north side of 39<sup>th</sup> 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 easements that may be needed along 39<sup>th</sup> Street or around the perimeter of the property.
2. That the future final plat and final PUD Plans identify all requests for flexibility from the Zoning Code.
3. That the applicant address all comments in the City Engineer's Memorandum dated December 02, 2019 with the future final construction and final PUD Plans submittal.
4. That the final construction 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 November 11, 2019. All revised and final landscape plans shall be reviewed and approved by the City's Landscape Architect. All tree planting must be outside of the front, side and rear drainage and utility easements.
5. That the final construction 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 construction 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. **(Done)**
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 final Plat/final 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 (39<sup>th</sup> Street) Minimum Building Setbacks**

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

- b. Attached Garages: That the attached garages shall not exceed 1,000 sq. ft. in area.
12. That the Final Plat/Final PUD shall include all necessary public drainage and utility easements. This shall include the applicant dedicating to the City a 10-foot-wide drainage and utility easement along the entire north boulevard of 39<sup>th</sup> Street North for small utilities.
  13. That the Final construction plan 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 construction/Final PUD plans include Valley Branch Watershed District 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. That the final design and placement of each of theming design items shall be subject to City staff approval.
  17. 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.
  18. That the applicant or developer address all the comments of the Fire Chief and the Building Official with the final PUD, construction site and building plans including the placement of buildings and fire hydrants, street and driveway design, parking and emergency vehicle access within the site.
  19. That the applicant show on the final project plans 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 include easement agreements with the final construction and PUD plans.
  20. 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.
  21. 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.
  22. 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.

23. 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.
24. 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 at the end the private driveways.
25. 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.
26. 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.
27. 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. (**Note** – The City Council approved 20 amenity points for this development on November 5, 2019).
28. 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.
29. 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 apartment building for emergency service calls.
30. That the applicant shall submit revised final plat and final 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.
31. That the City's final plat/final 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 January, 2020 by the Lake Elmo Minnesota City Council.



Mike Pearson, Mayor

ATTEST:



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Julie Johnson, City Clerk