

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

RESOLUTION NO. 2021-065

RESOLUTION DENYING THE PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY PLAN AND PRELIMINARY PLAT AS PROPOSED BY LAUNCH PROPERTIES AND CROSSROADS PROPERTIES FOR THE PROPERTY WITH PID NUMBER 36.029.21.33.0001 AS PROPOSED FOR THE NORTHEAST CORNER OF HUDSON BOULEVARD NORTH AND LAKE ELMO AVENUE

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

WHEREAS, Launch Properties and Crossroads Properties (the “Applicants”) have submitted applications to the City of Lake Elmo (City) for a Planned Unit Development (PUD) Preliminary Plan and Preliminary Plat for a five lot, two building, office warehouse planned unit development on a 30 acre property that has a PID# 36.029.21.33.0001 and is located at the intersection of Lake Elmo Avenue and Hudson Boulevard North (the “Property”), a copy of which is on file in the City of Lake Elmo Planning Department; and

WHEREAS, notice of a public hearing on the PUD Preliminary Plan and Preliminary Plat was 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 May 10, 2021 to consider the PUD Preliminary Plan and Preliminary Plat request; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the PUD Preliminary Plan and Preliminary Plat as part of a memorandum to the City Council from the Planning Director for the June 1, 2021 Council Meeting; and

WHEREAS, the City Council reviewed the report and recommendation of the Planning Commission and the Planning Director at its meeting held on June 1, 2021 and hereby makes the following findings of fact with respect to the PUD Preliminary Plan and the Preliminary Plat:

1. The Preliminary Plat and the PUD Preliminary Plan is considered a premature subdivision pursuant to Section 153.025 of the City Code. Section 153.025 of the City Code prohibits premature subdivisions. Any plat or subdivision of property may be denied by the City Council if it is deemed by the City Council to be premature for development pursuant to the criteria listed in this Section of the Code. With respect to this proposed subdivision, the City Council has deemed it to be premature for development because of a lack of adequate water supply, which is one of the criteria listed in this Section of the City Code. City water service as it currently exists is not sufficient to support the water demands of

the development, including fire suppression until the City's new water tower that will serve the area is operational. The City is currently negotiating and investigating a potential site for the new water tower, but the City has not yet acquired the site for the water tower and the City has not yet determined if the site is feasible for the new water tower. Therefore, the schedule for having the new water tower operational is currently unknown. The completion of the new water tower is the only means for ensuring there will be adequate water supply and pressure to serve the proposed development. Until the significant progress has been made by the City with respect to the construction of the new water tower that will allow it to be able to determine the estimated completion date, the Preliminary Plat and PUD Preliminary Plan is considered to be premature due to the lack of adequate water supply.

2. Section 153.02 of the City's subdivision regulations require that there be adequate public infrastructure, facilities, and services in place when a subdivision is approved by the City. With respect to water service, the City needs to be able to ensure there will be adequate water pressure and supply to the property if it is developed. The City is not able to ensure that this will be the case given the unknown schedule for the construction of the City's new water tower that will serve the property. Therefore, there are not adequate services in place that would allow the City to be able to approve the Preliminary Plat and the PUD Preliminary Plan.
3. That the proposed PUD Preliminary Plan and Preliminary Plat are not consistent with the City's Engineering Standards as noted in the City Engineer's review memorandum dated May 5, 2021.
4. The full impact of the traffic generated by the proposed development and all the necessary street and road improvements cannot yet be determined. The traffic study submitted by the applicant did not include the necessary information that would facilitate a review of whether traffic control changes or turn lane construction, including the lengthening of existing turn lanes, would be needed as a result of the proposed development.

NOW, THEREFORE, BE IT RESOLVED THAT the Lake Elmo City Council does hereby deny the PUD Preliminary Plan and the Preliminary Plat applications as proposed by Launch Properties and Crossroads properties.

Passed and duly adopted this 1st day of June 2021 by the City Council of the City of Lake Elmo, Minnesota.



Charles Cadenhead, Mayor

ATTEST:



Julie Johnson, City Clerk