

STAFF REPORT

DATE: 5/16/2023

CONSENT

TO: Mayor and City Council
FROM: Sophia Jensen, City Planner
ITEM: Inwood 7th Addition Request for Extension of Time to Record Final Plat

BACKGROUND:

On December 6th 2022, the City Council approved a final plat for Inwood 7th Addition. Pursuant to Lake Elmo City Code, the final plat will become void if not recorded within 180 days (June 4th 2023).

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to consider a request for approval of additional time for the developer to record the final plat.

TIME EXTENSION REQUEST – REVIEW AND ANALYSIS:

City Code Requirements

Section 103.00.100.b.7 of the City Code contains the requirements for approving additional time for recording a final plat.

7. Recording final plat. If the final plat is approved by the council, the subdivider shall record it with the county recorder within 180 days after the approval. If not filed within 180 days, approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the council. The subdivider shall, immediately upon recording, furnish the administrator with two paper prints and one reproducible film positive of the plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in the plat until the city has received evidence of the plat being recorded by the county.

Request Details

The developer's request indicates that they are working to meet the conditions of final plat approval for and are intend to submit the final plat for recording this spring. Staff supports the request for a time extension to submit the final plat. This time extension request does not change the City's final plat approval.

RECOMMENDATION:

Staff recommends that the City Council approve, *as part of the consent agenda*, the requested time extension for submission of the final plat the Inwood 7th Addition. This approval grants the developer until June 4, 2024 to record the final plat.

“Move to approve the requested time extension to June 4, 2024 to record the final plat for the Inwood 7th addition.”

ATTACHMENTS:

1. Extension Request Letter
2. Resolution 2022-114 Approving the Final Plat
3. Resolution 2023-050 Approving Final Plat Extension



April 21, 2023

Sophia Jensen
City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Inwood Seventh Addition – Final Plat Extension
(Inwood Nail Salon and Restaurant)
Lake Elmo, MN

Dear Ms. Jensen:

On behalf of Hearth Development, LLC, the developer, and pursuant to Lake Elmo City Ordinance Section 153.07 Subdivision L, we are requesting an extension for the deadline to present the final plat of Inwood Seventh Addition to the City. We are currently working through the conditions for final plat approval with the City staff, and were hopeful to have our final plat submittal this spring.

The deadline for having the final plat recorded for the Inwood Seventh Addition plat is June 4, 2023, but we would like to ask for an extension to record the final plat to June 4, 2024. Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Greg Johnson", is written over the word "Respectfully,".

Greg Johnson

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

RESOLUTION 2022-114

**A RESOLUTION APPROVING THE FINAL PLAT OF INWOOD 7TH
ADDITION.**

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

WHEREAS, Hearth Development, LLC, 3300 Rice Street, Suite 100, St. Paul, MN 55126 (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a final plat to replat the commercially zoned property known as Outlot A, Inwood 6th Addition (PID# 3302921130027) (the "Property"); and

WHEREAS, The Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the City approved the Inwood Preliminary Plat on December 2, 2014; and

WHEREAS, the City approved an Agreement to Extend Preliminary Plat Status on December 6, 2022.

WHEREAS, the City Council reviewed the Inwood 7th Addition Final Plat at its meeting held on December 6, 2022; and

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following findings:

FINDINGS

- 1) That all the requirements of City Code Section 103.00.100 have been met by the applicant.
- 2) That the Final Plat for Inwood 7th Addition consists of replatting Outlot A of Inwood Sixth Addition to construct a multi-use commercial building.
- 3) That the Inwood 7th Addition Final Plat is generally consistent with the Preliminary Plat as approved by City Council of Lake Elmo on December 2, 2014.
- 4) That the Inwood Seventh Addition Final Plat is consistent with the intent of the Lake

Elmo Comprehensive Plan.

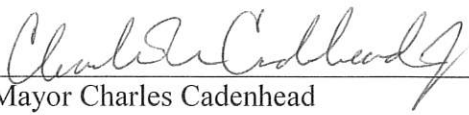
- 5) That the Inwood Seventh Addition Final Plat generally complies with the City's Commercial zoning district.

DECISION

NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approve the Inwood 7th Addition Final Plat subject to the following conditions:

1. No construction may begin until the applicant has received City Engineer approval for the final construction plans; the applicant has obtained from the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.
2. Before the execution and recording of a final plat for the development, the developers shall enter into a Site Improvement Agreement with the City. Such an agreement must be approved by the City Attorney.
3. That prior to the City releasing the final plat for recording, the plans shall be revised to address the comments in the City Engineer's memo dated October 14, 2022.
4. That prior to the City releasing the final plat for recording, the plans shall be revised to address the comments in the Landscape Architect's memo dated October 14, 2022.
5. That prior to the City releasing the final plat for recording, the plat shall be revised to address the issues identified in the Plat Opinion letter dated November 9, 2022.
6. That the applicant satisfy the \$11,400 commercial park dedication fee before the City releases the final plat for recording.
7. 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.
8. That Outlot B of Inwood Sixth Addition shall be granted full access to the existing commercial driveway off of 5th Street North.
9. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer to adjacent properties before starting any site work.
10. Before the installation or construction of any identification signs, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
11. That the City does not allow any parking or construction staging, including to loading and unloading of materials and equipment at any time on 5th Street North during the construction of the site improvements.
12. That the developer records the approved Final Plat with Washington County within 180 days after City Council approval. Failure to record the Final Plat within 180 days of approval will cause the approval to become void.

Passed and duly adopted this 6th day of December, 2022 by the City Council of the City of Lake Elmo, Minnesota.


Mayor Charles Cadenhead

ATTEST: 
Julie Johnson, City Clerk

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

RESOLUTION NO. 2023-050

*A RESOLUTION APPROVING AN EXTENSION FOR THE FINAL PLAT SUBMISSION
DEADLINE FOR THE INWOOD 7th ADDITION*

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

WHEREAS, Hearth Development LLC, 3300 Rice Street, Suite 100, St. Paul, MN 55126 (the “Applicant”) submitted an application to the City of Lake Elmo (City) for a Final Plat to replat a commercially zoned property known as Outlot A Inwood 6th Addition (the “Property”, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, The Lake Elmo Planning Department reviewed the Minor Subdivision request for constancy with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, The City approved the Inwood Preliminary Plat Status on December 2nd 2014; and

WHEREAS The City approved an agreement to extend preliminary plat status on December 6th 2022; and

WHEREAS, on December 6th 2022, the Lake Elmo City Council reviewed and approved the Inwood 7th Addition Final Plat; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve an extension to the Final Plat deadline for Inwood 7th Addition subdivision, and hereby extends the Final Plat recording deadline to June 4th 2024.

Passed and duly adopted this 16th day of May 2023 by the City Council of the City of Lake Elmo, Minnesota.

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk