

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

RESOLUTION NO. 2023-055

***RESOLUTION APPROVING THE FINAL PLAT, PUD, AND SHORELAND VARIANCE
REQUEST FOR THE AMIRA LAKE ELMO PROJECT (PID 33.029.21.44.0009)***

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

WHEREAS, the City of Lake Elmo has established a Comprehensive Plan that includes background data, policy statements, standards, and maps that help to guide the future physical, social, and economic development of the City; and

WHEREAS, the City of Lake Elmo approved a Comprehensive Plan Amendment from BP to MU-BP, a zoning map amendment, an Eagle Pointe PUD amendment, and a preliminary plat and PUD plan for a 103 unit multi-family residential development on April 7, 2020; and

WHEREAS, in 2022, through Resolution 2022-102, the City of Lake Elmo approved an amendment to the Preliminary Plat and PUD, along with a Comprehensive Plan Amendment from MU-BP (Mixed Use Business Park) to HDR (High Density Residential) to allow for the applicant to increase the proposed number of units to 146 multi-family units; and

WHEREAS, the Applicant, United Properties, has requested a Final Plat and PUD with the plans submitted to the City on February 13, 2023 along with subsequent revisions; and

WHEREAS, the applications for Final Plat and PUD were not found by the city to be complete until March 28, 2023; and

WHEREAS, the Minnesota Department of Natural Resources Area Hydrologist has commented that a Shoreland Variance is also required for the City to approve the request in the Shoreland Overlay District which varies from lot coverage and building height requirements; and

WHEREAS, the Applicant submitted a complete variance request on February 23, 2023 to vary from the building height and lot coverage requirements in the City's Shoreland Management Overlay District, which is on this property established as a 300 foot buffer from the Ordinary High Water Level of the Unnamed Tributary to Wilmes Lake; and

WHEREAS, notice was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 105.12.250 for the requested shoreland variance at the Planning Commission and PUD Ordinance 2023-12 at the City Council; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on April 10, 2023 and voted to recommend approval of the variance request to the lot coverage and building height standards in the City's Shoreland Management Overlay District as stated and with the findings of fact proposed in the Planning Staff Report dated April 10, 2023; and

WHEREAS, the Lake Elmo City Council reviewed the Final Plat, PUD, and Shoreland Variance requests as its meeting held on June 6, 2023 and voted to approve the item with the following findings of fact:

Findings of Fact for the Shoreland Variance

1. The strict interpretation of the City's standards would preclude a use which has been approved by the City for this property, at a density consistent with the City's adopted plans and standards. Practical difficulties arise from strict application of lot coverage and height standards due to circumstances unique to this lot and proposal. The multifamily residential use proposed on this property is a more efficient use of the property than other permitted uses which would require more land area.
2. The property is bound on two sides by sensitive natural areas which are proposed to be protected. The preservation of the wetland area on the west side of the property requires the building to be located within the area of the property that is considered to be Shoreland. These are unique circumstances to this property and the proposed variances would not circumvent the intent of either zoning bulk or shoreland standards.
3. If granted, the variances will not alter the character of the surrounding area. Site design proposed on this property is consistent with surrounding properties and the City's adopted design standards. Any impacts created by building height will be mitigated through distance to other properties and landscaping installed with the development. Stormwater impacts are proposed to be managed through stormwater facilities proposed in the developable area of this site.
4. If granted, the variances would not create environmental impacts such as traffic or noise beyond those created on surrounding properties or permitted by right in the area. The proposed location of the building and parking areas, in the center of the property, help to screen or mitigate any noticeable impacts to neighboring properties.

Final Plat/ PUD:

1. That all the requirements of City Code Section 103.00.100 related to the Final Plans and Final Plat have been met by the Applicant.
2. That the Amira Lake Elmo Final Plat and PUD Plan consists of one lot for multifamily residential use.
3. That the Amira Lake Elmo Final Plat and PUD is generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on November 1, 2022.
4. That the Amira Lake Elmo Final Plat and PUD Plan are consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
5. That the Amira Lake Elmo Final Plat and PUD Plan complies with the general intent of the High-Density Residential (HDR) zoning district with PUD modifications.
6. That the Amira Lake Elmo Final Plat and PUD Plan generally comply with the Lake Elmo Design Guidelines and Standards Manual.

7. That the Amira Lake Elmo Final Plat and PUD generally comply with the City's Subdivision regulations.
8. That the Amira Lake Elmo Final Plat and PUD generally comply with the City's Zoning Code (including Shoreland Zoning) with the exceptions provided for in the PUD and associated Variance request.
9. That the Amira Lake Elmo Final Plat and PUD Plan is generally consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated May 9, 2023, and as otherwise identified in future reviews.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve Amira Lake Elmo Final Plat, PUD, and Shoreland Variance requests subject to the following conditions:

1. Prior to the City signing or approving recording of the Final Plat or Development Agreement, the Applicant shall fully address all comments in the following review memos to the satisfaction of the requisite author:
 - a. City Engineer's memo dated May 9, 2023.
 - b. City Landscape Architect's memo dated February 24, 2023, or any subsequently revised comment memo.
 - c. City Fire Chief's memo dated March 1, 2023.
2. That prior to the City permitting the recording of the Final Plat and Development Agreement, the applicant shall demonstrate that the plans reflect compliance with South Washington Watershed District (SWWD) review requirements and provide the City evidence that all conditions attached to a SWWD permit will be met before the starting any grading activity on the site.
3. 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.
4. The Applicant shall first receive a DNR Public Waters Work Permit prior to any work below the ordinary high water level (OHWL), defined as top of the bank of the stream.
5. The Applicant shall not intensify the lot coverage on site or building height without amending the site plan, and if required by the City, amending the variance to these standards.
6. As a condition of Final Plat approval, the applicant will be required to pay \$100,000 to the City's Sewer Enterprise Fund to contribute toward the accelerated and increased lift station upgrades.
7. No deviations are provided for signage. If signage is desired, the Applicant must apply for a sign permit with the City, and will provide a complete sign plan detailing all signage proposed.
8. The applicant/developer is responsible, at their own expense, for installing all required improvements to Hudson Boulevard in general conformance with the Hudson Boulevard Design Standards and as approved by the City Engineer. Improvements must include an urban section and bituminous trail along the north boulevard and along the full frontage of the development parcel. Final Plat approval must also be contingent upon the construction of a sidewalk along Eagle Point Boulevard connecting from the facility entrance to the Hudson Boulevard trail, and in accordance with Plans and Specifications approved by the City.
9. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.

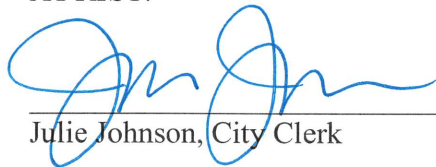
10. The applicant/developer shall provide the City a fee in lieu of park land dedication as required by Section 103.00.150 to be paid prior to recording of the final plat.
11. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
12. Existing drainage and utility easements shall be vacated prior to recording final plat.
13. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before the execution of the final plat by City Officials.
14. Finalization, adoption, and publication of an overlay PUD district ordinance shall occur before the recording of the final plat.
15. 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.
16. 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.

Passed and duly adopted this 6th day of June, 2023 by the Lake Elmo Minnesota City Council.



Charles Cadenhead, Mayor

ATTEST:



Julie Johnson, City Clerk