



## STAFF REPORT

DATE: 08/15/2023

### **CONSENT**

**TO:** CITY COUNCIL  
**AGENDA ITEM:** Inwood 7<sup>th</sup> Addition – Amended and Restated Resolution Approving the Final Plat – Resolution 2023-070  
**FROM:** Sarah Sonsalla, City Attorney  
**REVIEWED BY:** Jack Griffin, City Engineer  
Kristina Handt, City Administrator  
Sophia Jensen, City Planner

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### **BACKGROUND:**

On December 6, 2022, the City Council by Resolution 2022-114 approved the final plat for Inwood 7<sup>th</sup> Addition. On May 16, 2023, the City Council by Resolution 2023-050 approved an extension of the final plat to June 4, 2024.

Approval of the final plat by the City Council was subject to a number of conditions which are outlined in Resolution 2022-114. Condition Number 8 of the Resolution states that “Outlot B of Inwood Sixth Addition shall be granted full access to the existing commercial driveway off of 5<sup>th</sup> Street North.”

The Applicant’s attorney reached out to me to seek clarification of this condition. Outlot B of Inwood Sixth Addition is located adjacent to the Inwood 7<sup>th</sup> Addition property on the eastern side. Kwik Trip is located adjacent to the Inwood 7<sup>th</sup> Addition property on the western side. The Applicant’s attorney wanted to know if City was requiring an access easement to benefit Outlot B over just the Inwood 7<sup>th</sup> property or also over the Kwik Trip property (because the access drive wraps around Inwood 7<sup>th</sup> Addition and goes over the Kwik Trip property). It was confirmed with the City Engineer that the intent of this condition was to ensure that Outlot B has access over the Inwood 7<sup>th</sup> Addition property to 5<sup>th</sup> Street North so that another access to 5<sup>th</sup> Street will not be needed for Outlot B when Outlot B is developed. Therefore, an access easement in favor of Outlot B over the Kwik Trip property is not required or necessary.

### **ISSUE BEFORE COUNCIL:**

Should Condition Number 8 of Resolution No. 2022-114 be changed to clarify the scope of the access easement that is being required by the City?

### **PROPOSAL DETAILS/ANALYSIS:**

In order to ensure that this understanding is clear, the Applicants are seeking to amend Condition Number 8 in Resolution 2022-114 to state as follows:

“Outlot B of Inwood Sixth Addition shall be granted an access easement so that Outlot B may utilize the existing driveway located on the eastern portion of Inwood 7<sup>th</sup> Addition to access 5<sup>th</sup> Street North.”

This revised condition has been inserted into the attached Amended and Restated Resolution Approving the Final Plat. No other changes to the Resolution have been made.

**RECOMMENDATION:**

**OPTIONS:** 1) Adopt Amended and Restated Resolution No. 2023-070.  
2) Do not adopt Amended and Restated Resolution No. 2023-070.

Staff is recommending that the Council adopt Amended and Restated Resolution No. 2023-070. The recommended motion for this action is as follows:

***“Motion to approve Amended and Restated Resolution No. 2023-070, A Resolution Approving the Final Plat of Inwood 7<sup>th</sup> Addition.”***

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

**RESOLUTION 2023-070**

**AN AMENDED AND RESTATED 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**

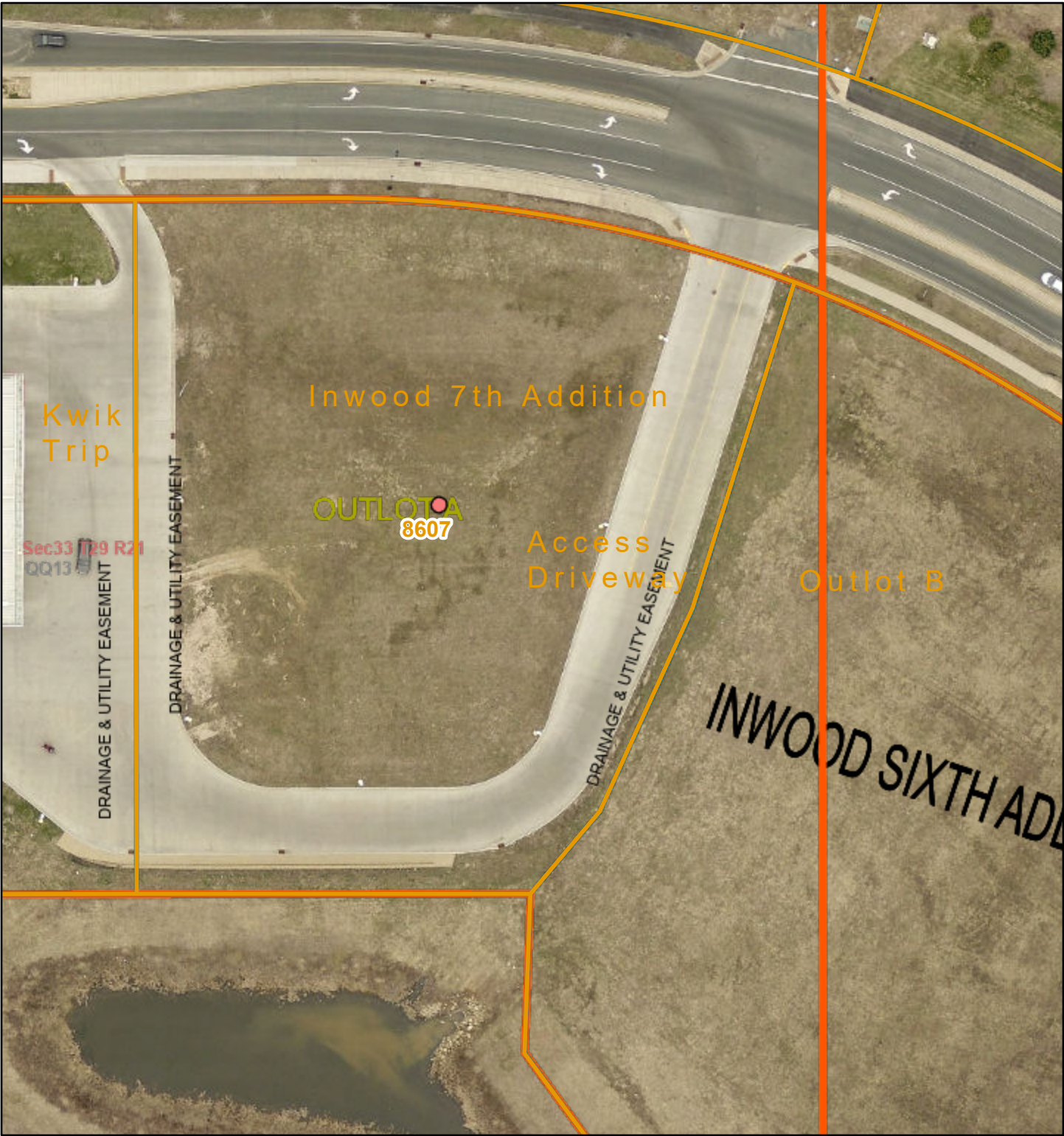
**NOW, THEREFORE, BE IT FURTHER RESOLVED**, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approve the Inwood 7th Addition Final Plat subject to the following conditions:

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 6th Addition shall be granted an access easement so that Outlot B may utilize the existing driveway located on the eastern portion of Inwood 7th Addition to access 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 15th day of August, 2023 by the City Council of the City of Lake Elmo, Minnesota.








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Mayor Charles Cadenhead

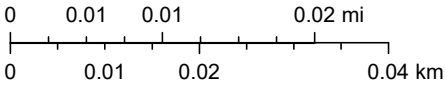
ATTEST: \_\_\_\_\_  
Julie Johnson, City Clerk



8/8/2023, 10:26:02 AM

1:1,128

- |   |   |
|---|---|
|  Parcels    |  GOVT LOT  |
|  PARKS      | DETAILED  |
|  NOTATIONAL |  Lots      |
|  GOVERNMENT |  MUNICIPAL |



*INWOOD*

S 71°40'08" E  
LC=49.32'  
R=617.00'  
A=49.34'  
T=24.68'  
D=4°34'53"

Northeast corner  
of Outlot A, Inwood  
Sixth Addition  
Point of Beginning

OUTLOT A



OUTLOT B

N 43°23'35" E  
LC=42.60'  
R=48.47'  
A=44.10'  
T=23.71'  
D=52°07'51"

*NWOOD*

An easement lying over, under, and across that part of Outlot A, INWOOD SIXTH ADDITION, according to the recorded plat thereof, Washington County, Minnesota, described as follows: Beginning at the northeast corner of said Outlot A; thence South 17 degrees 19 minutes 32 Seconds West 160.37 feet; thence South 24 degrees 48 minutes 49 seconds West 105.23 feet; Thence South 40 degrees 21 minutes 55 seconds West 50.23 feet; thence North 20 degrees 33 minutes 00 seconds West 52.99 feet; thence northeasterly along a non-tangential curve concave to the northwest, having a radius of 48.47 feet, a central angle of 52 degrees 07 minutes 51 seconds, a chord bearing of North 43 degrees 23 minutes 35 seconds East 42.60 feet; thence North 17 degrees 19 minutes 32 seconds East 221.75 feet; thence North 5 degrees 12 minutes 30 seconds East 10.18 feet to the north line of said Outlot A; thence southeasterly along the North line of Outlot A, being a non-tangential curve concave to the south, having a radius of 617.00 feet, a central angle of 4 degrees 34 minutes 53 seconds, a chord bearing South 71 Degrees 40 minutes 08 seconds East 49.32 feet to the point of beginning.



**P J LAND SURVEYING, LLC**  
**3491 87th St. N.**  
**Stillwater, MN 55082**  
**651-303-0025**