

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

RESOLUTION NO. 2024-093

***RESOLUTION APPROVING THE HIGHPOINTE CROSSING PRELIMINARY PLAT AND
OPEN SPACE PLANNED UNIT DEVELOPMENT (OP 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, Rachel Development, Inc. (the “Applicant”) submitted an application to the City of Lake Elmo for a preliminary plat and open space planned unit development (PUD) called Highpointe Crossing, for the property legally described on the attached Exhibit A (the “Property”), a copy of the preliminary plat and OP PUD is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on July 22, 2024 to review and consider the preliminary plat and OP PUD; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and 4-1 recommendation of denial of the preliminary plat and OP PUD to the City Council as part of a staff report dated August 20, 2024; and

WHEREAS, the City Council considered the preliminary plat and OP PUD at its August 20, 2024, meeting and hereby makes the following findings of fact:

1. That the preliminary plat and OP PUD plan is consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary plat does not meet the conditions for denial established in City Code Section 103.00.090 (d)(2) and that the preliminary plat generally complies with the City’s subdivision regulations and design standards.
3. That the preliminary OP PUD Plan meets the minimum requirements for an OP PUD identified in Section 105.12.1030, uses allowed within OP PUDs in Section 105.12.1040, and OP PUD review criteria in section 105.12.1070.
4. That the preliminary plat and OP PUD plan complies with the general intent of the City Code sections 105.12.1050 and 105.12.1060, relating to Open Space Planned Unit Development performance standards, with the flexibilities identified and approved by the City Council.
5. That the preliminary plat generally complies with the City’s Zoning Code.

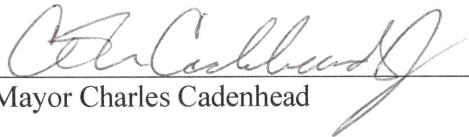
NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Highpointe Crossing preliminary plat and PUD subject to the following conditions:

1. Prior to the City finding any application for a final plat and final PUD complete, the applicant shall fully address all comments in the following review memos to the satisfaction of the City:
 - a. City Engineer's memo dated June 28, 2024.
 - b. City Landscape Architect's memo dated June 26, 2024.
 - c. City Fire Chief's memo dated July 14, 2024.
2. The Plans must be revised as follows to address Planning Comments in the Staff Report dated August 20, 2024:
 - a. The Plans must demonstrate conformance with applicable City Code requirements for subdivision monument signs in OP PUDs.
 - b. The Plans must demonstrate at least 400 tree plantings in the development, as approved by the City's Landscape Architect, meeting the boulevard spacing requirements in City Code where practicable.
3. That prior to the City finding any application for final plat and final PUD complete, the applicant shall demonstrate that the plans reflect compliance with Valley Branch Watershed (VBWD) review requirements and that the applicant provide the City evidence that all conditions attached to a VBWD permit will be met before the starting any grading activity on the site.
4. 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.
5. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements.
6. Storm water ponds shall be placed on separate outlots and conveyed to the City through a warranty deed in a form acceptable to the City.
7. No stormwater impacts shall be created on CSAH 13 (Inwood Avenue North).
8. 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.
9. 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.
10. If applicable, a storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
11. If applicable, a landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
12. The Applicant shall submit information demonstrating compliance with a Plat Opinion by the City Attorney, to the satisfaction of the City, before execution or recording of the Final Plat.
13. 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.
14. 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. The Agreement shall outline any approved phasing plan.

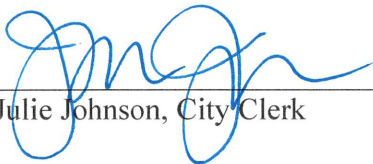
15. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat/ PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document the extent of any proposed grading on the site.

Passed and duly adopted this 17 day of September, 2024, by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk

Resolution 2024- 093
Exhibit A
Legal Description of Subject Property

The North Half of the Southwest Quarter of Section 21, Township 29, Range 21. Washington County, Minnesota; Except: All that part of the North 75.00 feet of the East 150.00 feet of the North Half of the Southwest Quarter of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, which lies westerly of the west line of Parcel 3 of the Washington County Highway Right of Way Plat No. 98 – C.S.A.H 13, according to the recorded plat thereof.
