

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

RESOLUTION NO. 2024-120

***RESOLUTION APPROVING THE FINAL PLAT AND PUD REQUEST FOR DPS LAKE
ELMO 3RD ADDITION***

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, SRD 2.0 LLC, 900 North 3rd Street, Minneapolis, MN 55401 submitted an application to the City of Lake Elmo for a Final Plat and Final PUD Plan for the DPS Lake Elmo 3rd Addition, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, on May 23, 2022, the Lake Elmo Planning Commission reviewed and recommended approval of DPS Lake Elmo 3rd Addition; and

WHEREAS, on August 16, 2022, the Lake Elmo City Council reviewed and approved DPS Lake Elmo 3rd Addition Preliminary Plat; and

WHEREAS, on November 1, 2022, the Lake Elmo City Council adopted Resolution 2022-103 approving DPS Lake Elmo 3rd Addition final Plat; and

WHEREAS, Resolution 2022-103 required the final plat be recorded within 180 days of approval; and

WHEREAS, the deadline for recording DPS Lake Elmo 3rd Addition was April 30, 2023; and

WHEREAS, SRD 2.0 LLC submitted a request for an extension to the Final Plat recording deadline of the approved plat to allow for additional time to address engineering comments and financing items; and

WHEREAS, Resolution 2023-068 extended the deadline for recording DPS Lake Elmo 3rd Addition to August 1, 2024; and

WHEREAS, SRD 2.0 LLC is no longer the developer and Roers Companies is under contract for the site and project; and

WHEREAS, Roers Companies submitted a request for an extension to the Final Plat recording deadline of the approved plat to allow for time to conduct their due diligence on the project; and

WHEREAS, Resolution 2024-073 extended the deadline for recording DPS Lake Elmo 3rd Addition to August 1, 2025; and

WHEREAS, Roers Companies, LLC, (the "Applicant") has requested approval of a revised Final Plat and PUD for DPS Lake Elmo 3rd Addition, on property legally described on **Exhibit A** attached hereto (the "Property"), consisting of approximately 14.143 acres for development of 190 multifamily units and future commercial development; and

WHEREAS, the final plat is for DPS Lake Elmo 3rd Addition, which will include one lot for a multifamily apartment building and one lot for a future commercial development; and

WHEREAS, the final plat is further depicted on **Exhibit B** attached hereto; and

WHEREAS, the revised plans were submitted to the City on September 27, 2024, and found to be complete; and

WHEREAS, the Lake Elmo City Council reviewed the Final Plat and PUD requests at its meeting held on November 19, 2024 and voted to approve the item with the following findings of fact:

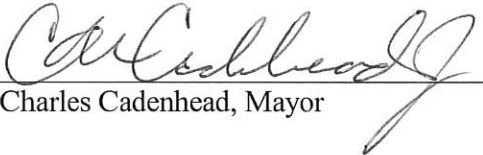
1. That all the requirements of City Code Section 103.00.100 related to the Final Plans and Final Plat have been met by the Applicant.
2. That the Final Plat and PUD Plan for DPS Lake Elmo 3rd Addition consists of one lot with one building containing 190 multifamily units and one lot containing a future commercial development.
3. That the DPS Lake Elmo 3rd Addition Final Plat and PUD is generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on August 16, 2022.
4. That the DPS Lake Elmo 3rd Addition Final Plat and PUD are consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
5. That the DPS Lake Elmo 3rd Addition Final Plat and PUD generally complies with the City's Subdivision regulations.
6. That the DPS Lake Elmo 3rd Addition Final Plat and PUD complies with the general intent of the Mixed-Use Commercial (MU-C) zoning district, and the City's Zoning Ordinance with PUD modifications.
7. That the DPS Lake Elmo 3rd Addition Final Plat and PUD generally complies with the Lake Elmo Design Guidelines and Standards Manual.
8. That the DPS Lake Elmo 3rd Addition Final Plat and PUD is generally consistent with the City's engineering standards with the exceptions noted by the City Engineer in their review comments to the City dated November 1, 2024, and as otherwise identified in future reviews.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the DPS Lake Elmo 3rd Addition Final Plat and PUD requests subject to the following conditions:

1. Prior conditions of approval established for this project shall still be in full effect unless otherwise addressed to the satisfaction of the of the City.
2. 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, or any subsequently revised memo, to the satisfaction of the City:
 - a. City Engineer's memos dated November 1, 2024,
 - b. City Landscape Architect's memo dated October 22, 2024,
 - c. City Fire Chief's memo dated November 22, 2023,
 - d. City Attorney's Plat Opinion.
3. 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.
4. 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.
5. That the applicant shall obtain all necessary permits for the Subdivision Improvements including but not limited to all applicable City permits (building, grading, sign, etc.), MDH, MPCA, County R/W, NPDES/SWPPP permits and South Washington Watershed District approval before starting any grading or construction activities.
6. The applicant/developer shall provide the City a fee in lieu of park land dedication as required by Section 103.00.150 and consistent with preliminary approvals to be paid prior to recording of the final plat.
7. No deviations are provided for signage. When construction of any subdivision monument or identification signage is desired, the Applicant must apply for a sign permit with the City and will provide a complete sign plan detailing signage proposed.
8. The applicant/developer is responsible, at their own expense, for installing all required improvements in and adjacent to Julia Avenue and Hudson Boulevard.
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. 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.
11. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's 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.
12. If applicable, a landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
13. That the development shall incorporate stormwater reuse for irrigation as approved by the City Engineer and enter into a stormwater reuse agreement in the City's standard form.
14. That the City does not allow any parking or construction staging, including the loading and unloading of materials and equipment at any time on Hudson Boulevard or Julia Avenue during the construction of the site improvements and building.

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. That the Applicant must record the final plat within 180 days after City Council approval or the final plat shall be considered void unless a request for a time extension is submitted in writing and approved by the City Council.

Passed and duly adopted this 19th day of November, 2024 by the Lake Elmo Minnesota City Council.


Charles Cadenhead, Mayor

ATTEST:

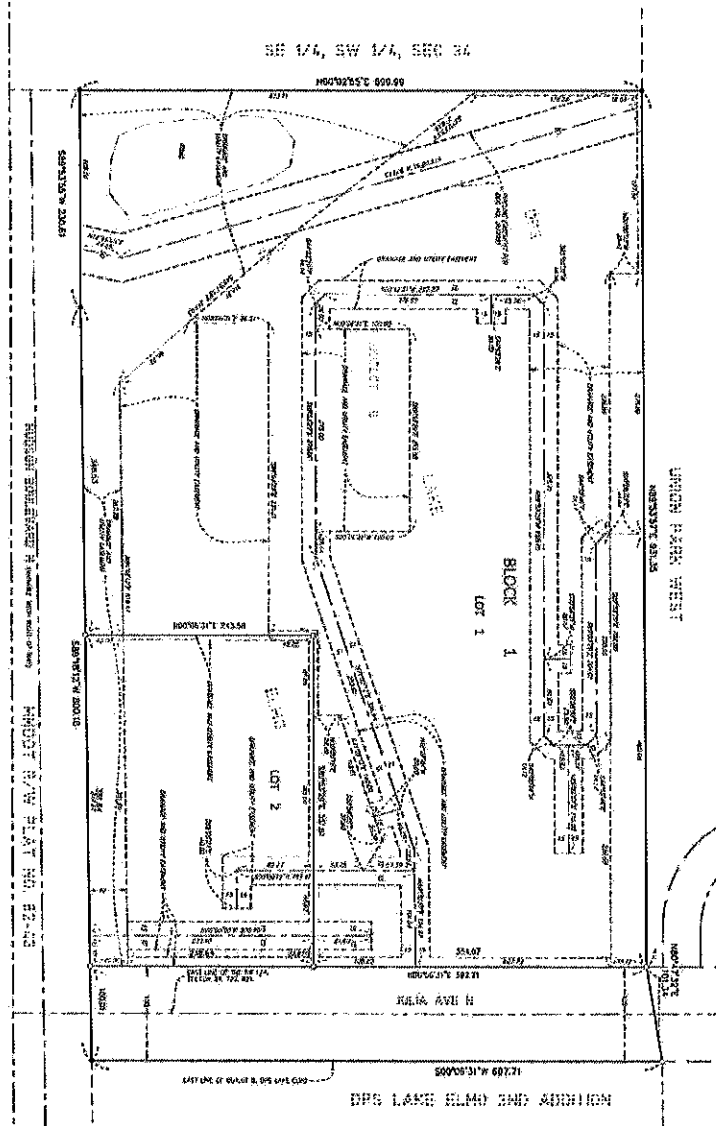

Julie Johnson, City Clerk

Resolution 2024-120
Exhibit A
Legal Description of Subject Property

Outlot B, DPS LAKE ELMO, according to the recorded plat thereof, Washington County,
Minnesota.

Resolution 2024-120
Exhibit B
DPS Lake Elmo 3rd Addition

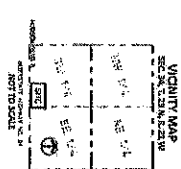
DPS LAKE ELMO 3RD ADDITION



PROPOSED LOTS 1 AND 2 ARE SHOWN WITH
 DIMENSIONS AND BEARING THEREON.

THESE LOTS ARE SHOWN WITH
 DIMENSIONS AND BEARING THEREON.

- 1. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 2. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 3. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 4. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 5. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 6. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 7. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 8. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 9. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.
- 10. PROPOSED LOTS 1 AND 2 ARE SHOWN WITH DIMENSIONS AND BEARING THEREON.



SANBATE, INC.
 5000 N. 100TH ST.
 SUITE 100
 EDEN PRAIRIE, MN 55424
 (952) 935-1000
 SHEET 2 OF 2 SHEETS