

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

RESOLUTION NO. 2010-017

*RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO
COMPREHENSIVE PLAN*

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

WHEREAS, Tammy Malmquist, 8549 Ironwood Trail North, (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) to amend the Lake Elmo Comprehensive Plan, a copy of which is on file in the City Planning Department; and

WHEREAS, the request to amend the Comprehensive Plan was submitted along with multiple zoning requests necessary for the Applicant to move forward with a proposed multi-family senior living facility and farm-based preschool project; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on April 26, 2010 to consider the request to amend the Comprehensive Plan; and

WHEREAS, on April 26, 2010 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the request to amend the Comprehensive Plan; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at meetings held on May 4th, May 18th, and May 25th, 2010.

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

FINDINGS

- 1) That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.
- 2) That the request to is to amend the Future Land Use Map (Map 1 in Chapter III – Land Use Plan) in the Lake Elmo Comprehensive Plan, and to specifically change the future land use designation of the parcel located at 9434 Stillwater Boulevard North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to RAD2 (Rural Agricultural Density – 2 dwelling units per acre).
- 3) That the Comprehensive Plan Amendment will apply to property legally described in the attached Exhibit “A”.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in addition to the foregoing, the Lake Elmo City Council hereby approves the Applicant's request to amend the Lake Elmo Comprehensive Plan, subject to and contingent upon the following specific criteria:

- 1) Preparation by the City of Lake Elmo of a *Proposed Development Fact Sheet*, to be distributed to the residents and property owners of the area surrounding the proposed development, invitation to the same to an information meeting on the proposed development, and solicitation to the same of comments regarding the proposed development, with results provided to the City Council prior to final adoption of the Open Space Preservation Development and Planned Unit Development (PUD) plans;
- 2) Provision by the Applicant of a secondary vehicular access to the proposed development, to be devised and developed in conjunction with the City Planner and City Engineer, to include the possibility of a temporary vehicular access until such time as a future area secondary collector is designed and constructed;
- 3) Provision of appropriate Buffers, Setbacks and maximum height elevation, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties;
- 4) Calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5;
- 5) Inclusion within the Planned Unit Development (PUD) and/or Development Agreement of specific definitions for Senior Housing and Farm School and provision for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD; and
- 6) Inclusion within the Planned Unit Development (PUD) and/or Development Agreement of specific development phases and/or expectations for timely onset of development and construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and Related Ordinances, and development programs in effect at that time.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that, in approving this Amendment to the Comprehensive Plan, the Lake Elmo City Council hereby commits to undertaking the following necessary planning activities:

- 1) Directs to Planning Commission to complete its review and analysis and forward its recommendations regarding the Open Space Preservation Development and Planned Unit Development (PUD) plans relating to this proposed development as expeditiously as possible;
- 2) Directs City staff to schedule and facilitate timely consideration by the Lake Elmo City Council of planning efforts for timely development of the Old Village area and I-94/10th Street Corridor area; and

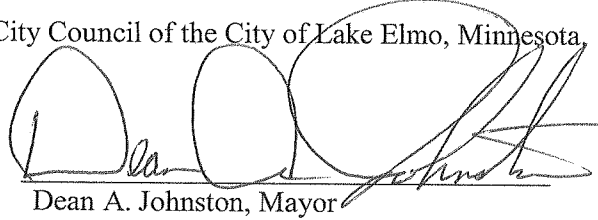
- 4) That the current use of the site as a working farm is unique compared to other properties designated for RAD development in the Comprehensive Plan.
- 5) That the proposed project associated with the Comprehensive Plan Amendment will help fulfill a need for senior housing within the community.
- 6) That recent subdivisions in areas guided for RAD development have been approved at a density below the unit levels anticipated in the Comprehensive Plan. The proposed density increase will be offset by reductions that have previously been approved or acknowledged by the City.
- 7) That the site is located in close proximity to public transportation along State Highway 5, and specifically, a bus route that could provide alternate transportation options for seniors.
- 8) That the site is located immediately adjacent to existing R-1 Single Family Residential zoning districts along its southern, eastern, and western boundaries. Other areas guided for RAD development are primarily surrounded by rural residential, agricultural, or public open space uses.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby approves the Applicant's request to amend the Lake Elmo Comprehensive Plan, subject to and contingent upon the following general criteria:

- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved. Acknowledgement of these comments and final adoption of the Comprehensive Plan Amendment will require formal action by the City Council.
- 2) City Council approval of Zoning Ordinance Text or Map Amendments necessary for the Applicant's project to be satisfactorily considered by the City.
- 3) City Council approval of a satisfactory Final Open Space Preservation (OP) Development Plan associated with the Applicant's request to amend the Comprehensive Plan.
- 4) City Council approval of a satisfactory Planned Unit Development (PUD) Final Plan and associated documentation associated with the Applicant's request to amend the Comprehensive Plan and execution of same by the Applicant.
- 5) City Council approval of site development and details.
- 6) Approval by the City of corresponding architectural and design standards, stormwater management and ponding design and facilities and other requested development approvals.
- 7) Approval by the City of necessary development related documents including, PUD Agreement, development agreements, use covenants and other materials in a form satisfactory to the City.
- 8) Compliance with all conditions of approval established hereunder or under subsequent review of this or related requests.

- 3) Directs City staff to develop for timely consideration by the Lake Elmo City Council of mechanisms for facilitating transfer of density or development rights among various properties and classifications, in accordance with the goals and objectives of the Comprehensive Plan, Old Village Area Plan, and related land use and zoning objectives.

Passed and duly adopted this 1st day of June 2010 by the City Council of the City of Lake Elmo, Minnesota,



Dean A. Johnston, Mayor

ATTEST:



Bruce Messelt, City Administrator