



## STAFF REPORT

DATE: 03/5/2019

### **CONSENT MOTION**

**TO:** City Council  
**FROM:** Ben Prchal - City Planner  
**AGENDA ITEM:** Final Plat recording deadline time extension for Boulder Ponds 4<sup>th</sup> Addition  
**REVIEWED BY:** Ken Roberts – Planning Director

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#### **BACKGROUND:**

The City Council adopted Resolution 2018-108 approving the Boulder Ponds 4<sup>th</sup> Addition final plat for a 95 unit congregate housing unit (senior housing) on September 18, 2018. The developer has not yet recorded the final plat. The applicant, Trident development has submitted a request for a time extension to record the final plat. The applicant has stated in their narrative that they purchased the property and have been looking to finalize the closing and construction plans for the project. The applicant is hoping to keep their final plat approval valid which is why the City received a request to extend their final platting period.

#### **ISSUE BEFORE COUNCIL:**

The City Council is being requested to consider whether or not to extend the final plat recording deadline for the Boulder Ponds 4<sup>th</sup> addition. They are requesting a final plat recording date of no later than July 17, 2019.

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

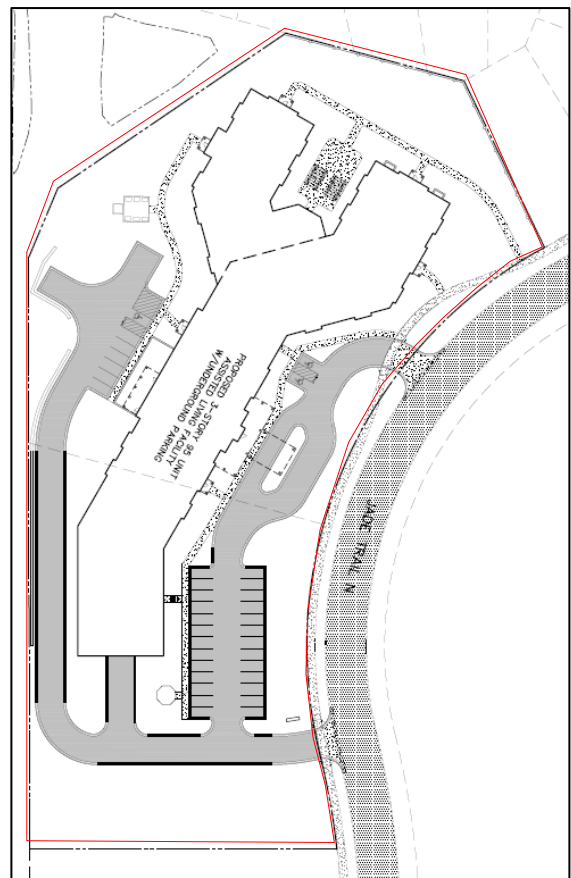
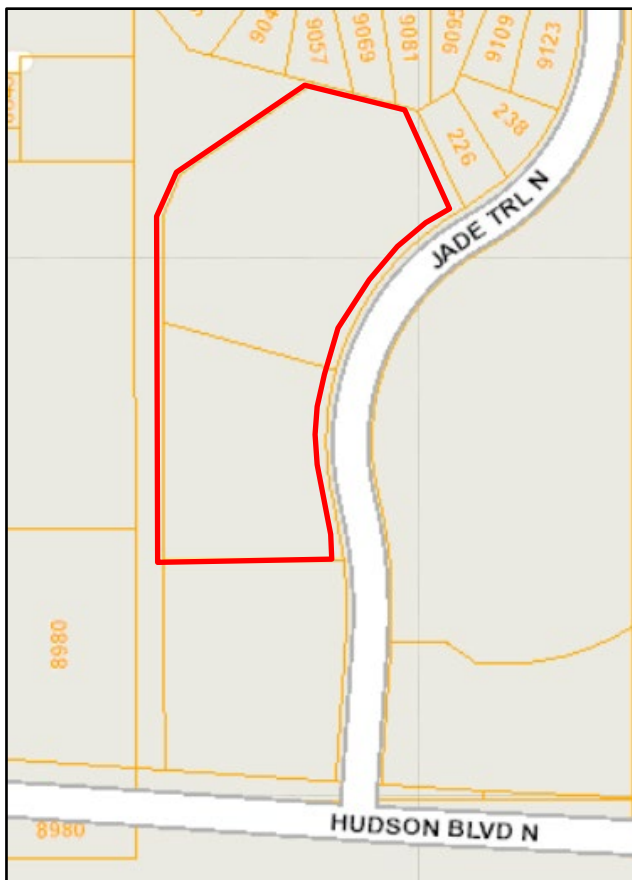
<i>Applicants:</i>	Trident Development, LLC, 3601 18 <sup>th</sup> Street South, St. Cloud, MN 56301
<i>Property Owners:</i>	OP4 Boulder Ponds, LLC, 11445 Viking Drive, Ste 350, Eden Prairie, MN 55344
<i>Location:</i>	Outlots B and C, Boulder Ponds, PID#s 34.029.21.33.0023 and 34.029.21.33.0024
<i>Request:</i>	Final Plat Recording Time Extension
<i>Existing Land Use:</i>	Vacant property
<i>Existing Zoning:</i>	HDR – High Density Residential
<i>Comprehensive Plan Guidance:</i>	High Density Residential
<i>History</i>	PUD General Concept Plan approval: 12/17/2013 by Resolution 2013-109; Preliminary Plat and PUD Plans approval: 9/16/2014 by Resolution 2014-073; Boulder Ponds Zoning Map and PUD Amendment: 12/6/2016 by Ord. 08-149; Boulder Ponds 4 <sup>th</sup> Addition Final Plat approval: 9/18/2015 by Resolution 2018-108;
<i>Deadline(s) for Action:</i>	Application Complete – 2/8/2019 60 Day Deadline – 4/9/2019
<i>Applicable Regulations:</i>	Chapter 153.10 B. (4) Recording of final plat

Platting extensions are not uncommon between developments, whether it is for a preliminary plan deadline for review or a final plat recording deadline. There have been plat time extension requests for the Boulder Ponds development as a whole but this would be the first time extension request for this phase/project within the development.

Section 153.10 (4) of the City code below, has the requirement to have a final plat recorded within 120 days of approval:

*153.10 (4) Recording final plat* - If the final plat is approved by the Council, the subdivider shall record it with the County Recorder within 120 days after the approval. If not filed within 120 days, approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The subdivider shall, immediately upon recording, furnish Administrator with 2 paper prints and 1 reproducible film positive of the plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in the plat until the City has received evidence of the plat being recorded by the County.

The property received City approval for the final plat and PUD on September 18, 2018. With the 120 rule applied to that date they would have had until January 16, 2019 to record the necessary documents. Staff transitioning coupled with their need to work through construction plans and finalize their financial structure has lead to their plat recording deadline being missed. Staff does not see the benefit in allowing the approval to become void. Beyond the 120 recording deadline, granting the extension would not allow exceptions to the conditions or relevant aspects of the City code. Simply put it avoids a re-review of an already approved project. There is not an established length of time that the City can or should grant for time extensions. Instead each case should be reviewed on a case-by-case basis.



**FISCAL IMPACT:**

None.

**OPTIONS:**

The City Council should consider the following options:

- 1) Extend the final plat recording deadline to July 17, 2019
- 2) Reject the final plat recording time extension request, thus requiring another City review of the final plat.

**RECOMMENDATION:**

Staff is recommending that the City Council approve the request to extend the Final Plat recording deadline for the Boulder Ponds 4<sup>th</sup> Addition Congregate Housing project as part of tonight's consent agenda.

If removed from the consent agenda, then Staff recommends the City Council approve the request with the following motion:

***“Move to adopt Resolution No. 2019-016, extending the Final Plat recording deadline for the Boulder Ponds 4<sup>th</sup> Addition to July 17, 2019.”***

**ATTACHMENTS:**

1. Resolution 2019-016
2. Trident Development Extension Request Letter
3. Resolution 2018-108

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

**RESOLUTION NO. 2019-016**

*A RESOLUTION APPROVING A TIME EXTENSION FOR THE RECORDING OF THE FINAL  
PLAT DEADLINE OF THE BOULDER PONDS 4<sup>TH</sup> ADDITION SUBDIVISION*

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

**WHEREAS**, Trident Development, LLC, 3601 18<sup>th</sup> Street South, St. Cloud, MN 56301, submitted an application to the City of Lake Elmo (City) for a Final Plat for a 95-unit assisted living and memory care building on Lots B and C of the Boulder Ponds development (PIDs: 34.029.21.33.0023 and 34.029.21.33.0024); and

**WHEREAS**, on August 27<sup>th</sup>, 2018, the Lake Elmo Planning Commission reviewed and recommended approval of the Boulder Ponds Final Plat and PUD Plans for the 4<sup>th</sup> addition; and

**WHEREAS**, on September 18, 2018, the Lake Elmo City Council adopted Resolution 2018-108, approving the Boulder Ponds Fourth Addition Final Plat and PUD Plans; and

**WHEREAS**, Trident Development, LLC. submitted a request for a 6-month extension to the Final Plat recording deadline of the approved plat to allow for additional time to prepare final plans and gather appropriate funding; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve an extension solely to the Final Plat recording deadline for the Boulder Ponds 4<sup>th</sup> Addition, and does hereby extend the Final Plat recording deadline to July 17, 2019 subject to the following condition(s):

1. That all of the conditions outlined in resolution 2018-108 are satisfied before the City releases the Final Plat for recording.

Passed and duly adopted this 5<sup>th</sup> day of March, 2019 by the City Council of the City of Lake Elmo, Minnesota.

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk



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3601 18<sup>th</sup> Street South • Suite # 103 • St. Cloud, MN 56301  
Phone: 320.258.4438 • 320.252.3603

January 17, 2019

Ben Prchal, City Planner  
Members of the City Council

City of Lake Elmo  
3880 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: REQUEST TO EXTEND DEADLINE FOR RECORDING BOULDER PONDS FOURTH  
ADDITION FINAL PLAT**

Mr. Prchal and members of the Lake Elmo City Council:

On September 18, 2018, we received final plat/ planned unit development approval for our 95-unit Boulder Ponds Senior Living project located just northeast of Interstate 94 and County Road 13 (on Jade Trail).

Progress continues to be made on this exciting project. Our ownership group purchased the subject property in December of 2018; and we are currently finalizing our detailed building construction plans. Closing on construction financing is expected between May and June 2019; with construction commencing shortly thereafter.

We are formally requesting a 6-month extension to the Final Plat recording deadline; and any other related recordable city documents. This 6-month extension will grant the Boulder Ponds Senior Living ownership group sufficient time to finalize detailed building plans, close on financing, and to avoid winter conditions.

Your consideration is appreciated. Please feel free to contact me at 763-412-7609 or [patrickb@tridentdevelopmentmn.com](mailto:patrickb@tridentdevelopmentmn.com) if there are any questions.

Respectfully,

Trident Development, LLC

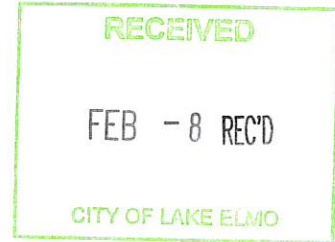
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Patrick E. Brama  
Vice President

Copied:       Jeffrey J. Drown, Trident Development, LLC  
                  Roger D. Fink, Trident Development, LLC  
                  Anthony J. Gleekel, Siegel Brill, PA  
                  Brandon Laubach, Trinity Development, LLC



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

**RESOLUTION NO. 2018-108**

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT  
(PUD) PLAN FOR THE BOULDER PONDS 4<sup>TH</sup> ADDITION PLANNED RESIDENTIAL  
DEVELOPMENT*

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

**WHEREAS**, Trident Development, LLC, 3601 18<sup>th</sup> Street South, St. Cloud, MN 56301, has submitted an application to the City of Lake Elmo ("City") for a Final Plat and Final PUD Plan for Boulder Ponds 4<sup>th</sup> Addition, a copy of which is on file in the City of Lake Elmo Planning Department; and

**WHEREAS**, the City approved the Boulder Ponds PUD General Concept Plan on December 17, 2013; and

**WHEREAS**, the City approved the Boulder Ponds Preliminary Plat and Preliminary PUD Plan on September 16, 2014; and

**WHEREAS**, the proposed Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan includes a 95-unit congregate housing development within a planned development on Outlots B and C, Boulder Ponds in Stage 1 of the I-94 Corridor Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission reviewed the Final Plat and Final PUD Plans on August 27, 2018; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan subject to 12 conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat and Final PUD Plan as part of a memorandum to the City Council for the September 18, 2018 Council Meeting; and

**WHEREAS**, the City Council reviewed the Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan at its meeting held on September 18, 2018 and made the following findings:

- 1) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan is generally consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014.

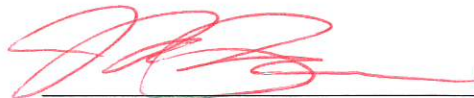
- 2) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat generally complies with the City's High Density Residential zoning district.
- 4) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 5) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.
- 7) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated August 16, 2018.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan subject to the following conditions:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plat and plans requested by the City Engineer in memos dated August 16, 2018 shall be incorporated into these documents before prior to signing the Plat for recording.
- 2) A Stormwater Easement and Maintenance Agreement in the City's standard form is required for the privately owned storm sewer system.
- 3) Prior to the release of the Final Plat for recording, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 4) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to recording. Easements may need to be revised pending review by the City of a detailed right-of-way boulevard plan and updated grading plans showing the storm water high water levels.
- 5) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, South Washington Watershed District permit, etc.

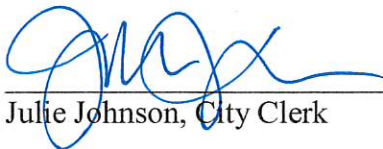
- 6) The site plan is subject to a storm water management plan meeting State, South Washington Watershed District and City rules and regulations. All applicable permits must be obtained.
- 7) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 8) Landscape plans must be approved by the City's Landscape Architect prior to recording of the final plat. The landscape plans must meet all city screening requirements including screening on the northern portion of the property to include a masonry wall or fence in combination with landscape material that forms a screen at least six feet in height and not less than 90% opaque and a minimum of one deciduous or coniferous tree at least every 40 feet, as well as perimeter parking lot screening along Jade Trail North in the form either a masonry wall, fence, berm, or hedge or combination that forms a screen three and one-half to four feet in height and not less than 50% opaque on a year-round basis.
- 9) A sign permit shall be obtained prior to erection of any sign on the property.
- 10) The proposed building shall meet the Lake Elmo Design Guidelines and Standards.
- 11) That the proper State of Minnesota licensing be maintained for the memory care and assisted living facilities.
- 12) That all Fire Chief and Building Official comments be addressed. Two additional fire hydrants will be required on the site, one on the southwest corner of the parking lot, and one to the north of the rear parking lot. The rear parking lot must provide sufficient turnaround that meets the requirements for apparatus turnaround. All fire hydrants and related water mains shall be owned and maintained by the City.

Passed and duly adopted this 18<sup>th</sup> day of September, 2018 by the City Council of the City of Lake Elmo, Minnesota



Mike Pearson, Mayor

ATTEST:

  
Julie Johnson, City Clerk