



## STAFF REPORT

DATE: July 2<sup>nd</sup>, 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 applicant, Trident Development, had submitted a request for a time extension to record the final plat and received approval from City Council on March 5<sup>th</sup> 2019 through resolution 2019-016. That approval gave them a recording deadline of July 17, 2019. The applicant has submitted another request which outlines the current timeline that they are trying to achieve. For the previous extension, Staff recommended approval and will do so again. The applicant is hoping to keep their final plat approval valid which is why the City received another 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, for a second time. In this case, they are requesting a recording date of no later than August 31<sup>st</sup>, 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>	Commercial/Medium 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 Platting Extension – 6/17/2019
<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 review deadline 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 second time extension request for this phase/project within the development.

Section 153.10 (4) of the City code does require final plats to be recorded within 120 days of approval. Given that they have already received an extension the 120 day timeline will no longer apply.

The developer states in their attached narrative that they are continuing to work with the lender, Title Company, general contractor, and investors. The closing is scheduled to take place on July 17, 2019 and closing is important to the developer as it provides the cash required to pay the City for development fees and other various other government permit/fees. The developer strongly feels that closing before July 17 of 2019 is going to be problematic on its own but any delay would jeopardize their ability to meet the required recording date.

**FISCAL IMPACT:**

None.

**OPTIONS:**

The City Council should consider the following options:

- 1) Extend the final plat recording deadline to August 31<sup>st</sup>, 2019.
- 2) Reject the final plat recording time extension request. This would require them to have the plat recorded by July 17<sup>th</sup> 2019 or go through another full 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. 2019-046, extending the Final Plat recording deadline for the Boulder Ponds 4<sup>th</sup> Addition to August 31<sup>st</sup>, 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. 2019-046**

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

**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**, on March 5<sup>th</sup>, 2019, the Lake Elmo City Council adopted Resolution 2018-016, approving the first platting time extension for the Boulder Ponds Fourth Addition Final Plat and PUD Plans; and

**WHEREAS**, Trident Development, LLC. submitted a request for a 45 day time extension to the Final Plat recording deadline of August 31, 2019 for the approved plat to allow for additional time to prepare final funding and closing; 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 August 31<sup>st</sup>, 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 2<sup>nd</sup> day of July, 2019 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

**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):

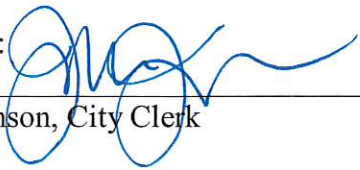
1. That all of the conditions outlined in resolution 2018-108 are satisfied before the City releases the Final Plat for recording.

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:



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

June 12, 2019

Ben Prchal, City Planner  
Members of the City Council

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

**PROJECT: BOULDER PONDS FOURTH ADDITION FINAL PLAT/ DEVELOPMENT AGREEMENT  
REQUEST: 45-DAY EXTENSION TO RECORDING DEADLINE**

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

On September 18, 2018, Boulder Ponds Senior Living LLC (the "Developer") received final plat approval from the Lake Elmo City Council for the 95-unit Boulder Ponds Senior Living project located just northeast of Interstate 94 and County Road 13 (on Jade Trail). The deadline for recording said plat, and the corresponding development agreement, is July 17, 2019.

Progress continues to be made on this project:

- Closed on purchase of the subject property in December of 2018
- Completed detailed construction plans and submitted a building permit application on May 10, 2019
- Recently approved for financing; now drafting loan/ organizational documents in preparation for closing
- Appraisal required for closing recently ordered
- Project placed on general contractor's construction schedule (Lyon Contracting)

Based on discussions with the lender, title company, general contractor, and investors, closing is scheduled for July 17. Loan closing is important to the Developer as it provides the cash required to pay city development fees and various other government permits/ fees. Closing earlier than July 17 is problematic:

- Loan/ organizational documents will take 4-5 weeks to finalize, execute, and prepare for closing
- Remaining government approvals/ permits are expected to take 3-4 weeks for approval (building permit, county food services permit, NPDES permit, etc.).
- Appraisal expected to be completed in 4 weeks
- Lyon Contracting is unavailable to commence construction until late July as they are currently wrapping up projects in Brooklyn Park, Winona, and Chaska ([click here](#)).

If a delay to the scheduled loan closing date would occur, we would not have enough time to request an extension from the City Council (as it can take 1.5-2.5 weeks to go through the Council approval process, and we wouldn't know an extension was needed until 1-5 days before closing). As a result, we believe it would be prudent to obtain a short extension now (45-days) to avoid any potential issues as closing approaches.

If you would like to verify any of this information with the lender, title company, or general contractor, we are happy to arrange. We would also be happy to provide you with the detailed closing checklist from our lender.

Your consideration is appreciated. Please let me know if you have any questions. Speaking on behalf of our development team, we are eager to close on this project and excited to begin construction in Lake Elmo very soon.

Respectfully,

A handwritten signature in blue ink that reads "Patrick E. Brama". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patrick E. Brama  
Trident Development, LLC

(763) 412-7609, [patrickb@tridentdevelopmentmn.com](mailto:patrickb@tridentdevelopmentmn.com)  
3601 18<sup>th</sup> Street S., #103, St. Cloud, MN 56301



**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.

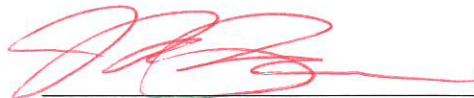
- 2) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Boulder Ponds 4<sup>th</sup> Addition Final Plat generally complies with the City's High Density Residential zoning 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.

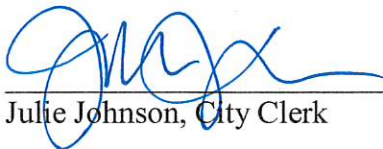
- 6) The site plan is subject to a storm water management plan meeting State, South Washington Watershed District and City rules and regulations. All applicable permits must be obtained.
- 7) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement 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