

## STAFF REPORT



CITY COUNCIL  
DATE: 6/6/2023

**TO:** Lake Elmo City Council  
**FROM:** Nathan Fuerst, Consulting Planner  
Jenni Faulkner, Consulting Planner  
**AGENDA ITEM:** Final Plat/Planned Unit Development – Amira (United Properties)

---

### BACKGROUND:

On November 11, 2022 the City Council conditionally approved a series of requests by United Properties to rezone and reguide the unaddressed property northeast of the intersection of Hudson and Eagle Point Boulevards. Those City approvals allowed for the senior housing project proposed for the property to be expanded from 103 to 146 units. Those approvals consisted of the following:

1. A Comprehensive Plan Amendment from MU-BP (mixed use – business park) to High Density Residential (HDR).
2. A Zoning Map Amendment (rezoning) from MU-BP (mixed use – business park) to High Density Residential.
3. Amended Preliminary Plat and Planned Unit Development for revised site plans.

Since their last approval, the Applicant's team has worked with City Staff to satisfy the conditions of preliminary plat approval. They have since revised plans according to the approvals granted in November and are seeking the Final approvals required to entitle their development.

Upon receipt of the Final Plat and PUD request from the applicant, the City routed plans to the MnDNR area hydrologist who provided a comment that a variance is required for flexibility from shoreland standards. The Applicant has complied and requested a variance to two shoreland standards, building height and impervious surface. That request was reviewed by the City's Planning Commission on [April 10, 2023](#), and recommended to the City Council for approval.



The City does not require final plat or PUD requests to be reviewed by the Planning Commission. As such, City staff have reviewed this application for conformance with the City's previous conditions and approvals, and for conformance with existing City Standards.

**ISSUE BEFORE THE CITY COUNCIL:**

The City Council is asked to review and make a determination on the Final Plat, Final Planned Unit Development (PUD), and Shoreland Variance request by United Properties.

**GENERAL INFORMATION:**

*Applicant:* United Properties (Jennifer Mason), Minneapolis Minnesota  
*Property Owner:* United Land, LLC (United Properties)  
*Location:* Outlot C, Eagle Point Business Park Second Addition  
*PID#:* 3302921440009  
*Request(s):* Final Plat/Planned Unit Development (PUD)/Shoreland Variance  
*Site Area:* 11.7 gross acres  
*Land Use Map:* High Density Residential (HDR)  
*Current Zoning:* High Density Residential (HDR), Shoreland Overlay  
*Proposed Zoning:* HDR/PUD  
*Surrounding:* BP – Business Park (PUD)  
*History:* The parcel is undeveloped and formerly rural, now zoned HDR.  
*Deadline:* Application Complete – 3/28/23  
60 Day Deadline – 5/22/2023  
Extension Letter – Sent 4/28/23  
120 Day Deadline – 7/21/23  
*Regulations:* Article 12 – Urban Residential Districts  
Article 18 – Planned Unit Development Regulations  
Article 19 – Shoreland Management Overlay District  
Title 103 – Subdivision Regulations  
City of Lake Elmo Design Standards

**PROPOSAL DETAILS/ANALYSIS:**

**Plat Summary:**

Gross Site Area	11.7 acres
Wetland Area	1.36 acres
Units	146
Net Density	14.11 units/acre

The calculation of net density in this case nets out the existing wetlands which will be conserved through a drainage and utility easement proposed on the property. This interpretation is consistent with Metropolitan Council policy.

**Final Plat and PUD Conformance**

The development is being proposed as a PUD because the developer proposes deviation from the zoning standards for such units. The developer also proposes to deviate from certain standards in the City’s Engineering Design Standards Manual regulating public improvements in Lake Elmo.

A PUD is a negotiated zoning district, and according to the Lake Elmo Zoning Code Article 18, Planned Unit Development Regulations, zoning flexibility can be granted in order to better utilize site features and to obtain a higher quality of development.

**PUD Deviations.**

When evaluating a PUD proposal, the Planning Commission and City Council must find a PUD meets one or more objectives contained in Article 18 and meet the minimum requirements for a PUD.

Cells in the ‘As Proposed’ column shaded in **blue** indicate a deviation from City Code.

Standards (105.12.720)	HDR Requirement: (Multifamily Dwelling)	As Proposed
Minimum Lot Area	6 Acres	11.7 Acres
Minimum Lot Width	50 feet	638 feet (Eagle Pt. Blvd.)
Max Impervious Cover	30% (shoreland area)	<b>34%</b>
Front Yard Setback	20 feet	50 feet
Interior Yard Setback	15 feet	100 feet (estimated)
Rear Yard Setback	20 feet	100 feet (estimated)
Maximum Height	35 feet (shoreland area)	<b>Average height from grade at 56’</b>
Parking Location	Not to be located in the front yard or between the front façade and public street	<b>Surface parking proposed to be located along Eagle Pt. Blvd.</b>
Parking Stalls	183 stalls (senior housing)	234 stalls
Open Space	Minimum 50%	Over half of the development’s total area, 6.5 acres of 11.68 total acres, are to be preserved as open space.

**Shoreland Variances**

The Amira project is located within the City’s Shoreland Management Overlay District. Specifically, about half of this property is within 300 feet of an unnamed tributary which flows from Armstrong Lake in Oakdale and Wilmes Lake in Woodbury. Areas surrounding tributaries are subject to shoreland requirements similar to properties abutting or near other public waters.

City staff communicated the expected PUD deviations to the MNDNR, and received a comment that the DNR recommends shoreland variances instead of simply relying on PUD Deviations. The DNR does not recognize PUD’s as appropriate tools for Cities to grant flexibility towards what

are statutorily derived DNR Rules (Shoreland Ordinances). Instead, Cities must use the variance process to allow for flexibility as that is the only process recognized by State Statute to do so.

<b>Variations Requested</b>	<b>City Standard</b>	<b>Request</b>
Impervious Surface (Lot Coverage)	30 %	34% (variance of 4%)
Max Structure Height	35 feet	56 feet (variance of 21 feet)

It is noted by staff that this property is unique topographically, and thus any sort of development on it would face similar challenges to meeting the City’s established shoreland requirements. The site is bound on both sides, east and west, by wetland and shoreland areas. The development being proposed on this site allows the Developer to maximize compliance with City Code and preservation of the unique natural features on this property.

Staff find that the requested variances are consistent with both Lake Elmo City Code and Minnesota State Statute and that required findings can be made to support approval. Staff’s proposed findings supporting approval are listed at the end of this report and in the proposed Resolution.

The Planning Commission held a duly noticed public hearing and reviewed the shoreland variance requests at its regular meeting on April 10, 2023. The Commission voted to recommend the variance requests to council for approval.

**Environmental Review.** This project does not exceed the statutory threshold for formal environmental review through the Environmental Assessment Worksheet process.

**Architecture and Site Design.** During the preliminary plat and PUD review, staff found this use to be consistent with applicable City design standards. The Developer has not changed the proposal and has submitted architectural plans which further demonstrate compliance with expectations in the City’s approval. City Code Section 105.12.840 requires design review against standards in the *Lake Elmo Design Standards Manual*. Staff reviewed the plans and have determined that the use is consistent with the City’s expectations based on the following:

Site Design

- Building placement balances the need to preserve sensitive natural areas on site with orientation towards the public right of way.
- Sidewalks and public right-of-way dedication will be provided to facilitate circulation around the property and on-site amenities are provided to tie this development in with the pedestrian network.
- Parking areas are landscaped and focused away from street frontages to the maximum extent possible.

Building Design

- Facades and building entrances are well articulated to break up the building’s surfaces from view of all surrounding properties.
- A variety of quality building materials and complimentary colors are used to help create visual interest, and tie in the building with developments in the immediate area.

- Building shape helps to break up the overall mass of the building as viewed from right of way or surrounding properties. Design of the building is compatible with those surrounding.

**Parking and Driveways.** The PUD Ordinance will provide one deviation for the location of some surface parking area along Eagle Pt. Drive. This was reviewed and approved at the time of Preliminary Plat. Parking, drives, and circulation areas are consistent with both prior approvals and City Code requirements. This development is providing more parking than is required for the land use.

**Parks.** §103.00.150 Park Land Dedication Requirements. The City Code allows the City to require cash in lieu of land for this zoning district. During its preliminary approvals, the City determined it would require a cash fee instead of land dedication. As such, the dedication requirement for this property is calculated by staff as follows.

Per ordinance, the applicant is paying 10% of the market value of the property.

**Signs.** The development plans indicate that two ground mounted signs will be installed on this site. As indicated to staff, one sign advertising the building name and logo will be roughly 20.5 square feet in sign area and less than 6.5 feet tall. The other sign proposed will be a directional sign which is smaller and intended to help facilitate vehicle circulation on site. Both signs appear to meet City sign requirements established in Code Section 150.12.430.

When sign plans have been finalized, the Developer should submit a sign permit to the City for a final review and approval.

**Landscaping and Tree Preservation.** The City's Consultant Landscape Architect provided a review memo dated February 24, 2023, which noted several minor deficiencies in the Developer's submittal relating to information provided on tree preservation and landscaping proposed.

Revisions to the plan needed to address the City's Landscape Architect's comments, which are summarized below:

- Add 16 trees.
- Revise tree mitigation and landscape summary tables.
- Add elevation/graphic to illustrate screening requirements are met for the area noted.

Revised comments are expected from the City's Landscape Architect at the date of this item's review at City Council on June 6, 2023. Staff will be recommending that any final required revisions occur as a condition of approval.

**Fire Chief Comments.** The City's Fire Chief provided a comment memo dated February 7, 2023 which details several requirements for plans to meet City standards for state fire code and local policy.

**Engineering Review.** This project has been reviewed by the City Engineer for conformance with the City's Engineering Design Standards Manual. Detailed comments relating to the review are

included in the two Engineer's memos dated May 9, 2023. One memo was provided for Final Plat approval, and a second memo was provided to assist with completion of the Final Construction plans. Ultimately, the City Engineer is recommending that plans be revised to address all City comments. Key comments are summarized below:

- The Final Plat should not be recorded, and no construction shall begin until the City Engineer approves the Final Construction Plans.
- All required easements and right of way must be dedicated to the City.
- Stormwater facilities and other infrastructure on the site will be privately owned and maintained.
- Final Plat approval is contingent upon required improvements taking place on Hudson Boulevard.

**Watershed Review.** This property is located within the area regulated by the South Washington Watershed District. A permit was received by this developer for the project under the name Applewood Pointe, that permit is still valid for this project. The Developer will be required to follow their Stormwater Pollution Prevention Plan (SWPPP) throughout the construction process.

**Minnesota DNR Review.** The MNDNR Area Hydrologist was provided with this plan for review given the location of this property within the Shoreland Overlay Management District. As of the date of this staff report no comments specific to the proposal have been received.

**Public Comments.** As of the writing of this report, Staff have not received any public comments on the present requests.

#### **PRELIMINARY PLAT/PUD CONDITIONS OF APPROVAL**

1. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the following conditions before the City will accept a final plat or Final PUD application for the development and before the start of any clearing or grading activity on the site. *Application is complete, grading may not begin until conditions in the Final Plat and Development Agreement are satisfied.*
2. The revised preliminary plat and project plans shall address the comments from the City Engineer's memo (9/27/22), Landscape Architect's memo (10/5/22) and Fire Department memo (9/23/22). A point by point memo of how and where the comments have been addressed must accompany the revised preliminary plat and project plans. *Previous review comments have been satisfied or will be required as conditions of final plat approval.*
3. For any privately owned and maintained storm water facilities, the applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement. *This will be required pursuant to the Development Agreement.*
4. An Emergency Access Easement Agreement is required for secondary emergency access from an existing privately owned commercial driveway. The easement agreement must be revised to the satisfaction of the City Attorney, Fire Chief and Public Works Director to ensure that the emergency access driveway meets the city requirements. *Condition satisfied.*

5. Written landowner permission must be submitted as part of the final plat applications for any off-site grading work to construct the Project. The proposed off-site easements must be shown on the preliminary site plans, grading plans, and utility plans. **Condition satisfied.**
6. Sanitary sewer service is available to the site. The applicant will be responsible to connect to the city sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. **Condition satisfied.**
7. The preliminary plans depict 146 REC units for a site that was originally planned for 15 REC units. Before recording the final plat, the applicant will be required to pay \$100,000 to the City's Sewer Enterprise Fund to contribute toward the accelerated and increased lift station upgrades. **This condition will be satisfied prior to recording of the final plat.**
8. The applicant will be responsible to extend municipal water into the development at its sole cost and will be required to construct a looped watermain network internal to the site with, at least, a second City watermain connection point. **Condition satisfied.**
9. Prior to submittal of an application for final plat, the applicant must submit domestic and fire suppression demands for the proposed 146-Unit facility. Domestic demands must be based on Met Council SAC Determination usage methodology and equate to sanitary sewer flow determinations. Fire suppression demands must include a total fire flow demand using AWWA and ISO methodology and must provide the demand on the municipal water supply system in gallons per minute (GPM) for a duration of 2 hours. **Condition satisfied.**
10. The proposed development is subject to a storm water management plan meeting State, South Washington Watershed District (SWWD) and City rules. A permit will be required from both the Minnesota Pollution Control Agency and SWWD. **Condition satisfied.**
11. Storm water facilities proposed as part of the site plan to meet State and SWWD permitting requirements must also be constructed in accordance with the City Engineering Design Standards Manual. **Condition satisfied.**
12. Site grading must be consistent with the City Engineering Design Standards, and in accordance with Plans and Specifications approved by the City Engineer. **Condition satisfied.**
13. That the future final plat and final PUD plans would be for the parcel with the PID #33.029.21.44.0009. **Condition satisfied.**
14. That the future final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code. **Condition satisfied.**
15. That the applicant/developer provide the City land or a fee in lieu of park land dedication as required by Section 103.00.150 with the final plat. **Condition satisfied prior to recording the final plat.**
16. That the final plat and final PUD Plans submittal include detailed architectural plans for the building. **Condition satisfied.**

17. That the applicant/developer installs all the required improvements in and adjacent to Hudson Boulevard. *Condition satisfied.*
18. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions. *Condition satisfied.*
9. That the PUD overlay zoning allow for the following:

**Amira of Lake Elmo – Planned Unit Development**

Parking is allowed between the front façade and the public street (Eagle Point Boulevard) as depicted on the approved Preliminary PUD Plan.
---

Maximum building height shall be 52 feet.
---

Maximum unit count in the PUD is 146 units.
---

19. That the Applicant(s) or developer shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of the City Code. *Condition satisfied.*
20. 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. *Condition satisfied.*
21. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat of 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 extent of any proposed grading on the site. *Condition satisfied.*
22. That the City does not allow any parking and construction staging, including the loading and unloading of materials and equipment at any time on Hudson Boulevard or on Eagle Point Boulevard during the construction of the site improvements and building. *Condition satisfied.*

**RECOMMENDED FINDINGS:**

**Recommended Findings for Shoreland Variances.** An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 set forth by the MN Stat. 462.357 subd.6 before the City may grant an exception or modification to city code requirements. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant’s request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

**FINDINGS:** *The strict interpretation of the City's standards would preclude a use which has been approved by the City for this property, at a density consistent with the City's adopted plans and standards. Practical difficulties arise from strict application of lot coverage and height standards due to circumstances unique to this lot and proposal. The multifamily residential use proposed on this property is a more efficient use of the property than other permitted uses which would require more land area.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

**FINDINGS:** *The property is bound on two sides by sensitive natural areas which are proposed to be protected. The preservation of the wetland area on the west side of the property requires the building to be located within the area of the property that is considered to be Shoreland. These are unique circumstances to this property and the proposed variances would not circumvent the intent of either zoning bulk or shoreland standards*

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

**FINDINGS:** *If granted, the variances will not alter the character of the surrounding area. Site design proposed on this property is consistent with surrounding properties and the City's adopted design standards. Any impacts created by building height will be mitigated through distance to other properties and landscaping installed with the development. Stormwater impacts are proposed to be managed through stormwater facilities proposed in the developable area of this site.*

- 4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

**FINDINGS:** *If granted, the variances would not create environmental impacts such as traffic or noise beyond those created on surrounding properties or permitted by right in the area. The proposed location of the building and parking areas, in the center of the property, help to screen or mitigate any noticeable impacts to neighboring properties.*

**Recommended Findings for Final Plat/ PUD.** Staff recommends approval of the Final Plat and Final Planned Unit Development (PUD) for PID 3302921440009 based on the following findings:

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 Amira Lake Elmo Final Plat and PUD Plan consists of one lot for multifamily residential use.
3. That the Amira Lake Elmo Final Plat and PUD is generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on November 1, 2022.
4. That the Amira Lake Elmo Final Plat and PUD Plan are consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
5. That the Amira Lake Elmo Final Plat and PUD Plan complies with the general intent of the High-Density Residential (HDR) zoning district with PUD modifications.
6. That the Amira Lake Elmo Final Plat and PUD Plan generally comply with the Lake Elmo Design Guidelines and Standards Manual.
7. That the Amira Lake Elmo Final Plat and PUD generally comply with the City's Subdivision regulations.
8. That the Amira Lake Elmo Final Plat and PUD generally comply with the City's Zoning Code (including Shoreland Zoning) with the exceptions provided for in the PUD and associated Variance request.
9. That the Amira Lake Elmo Final Plat and PUD Plan is generally consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated May 9, 2023, and as otherwise identified in future reviews.

**Recommended Conditions of Approval.** Staff recommends approval of the Shoreland Variance and Final Plat and Final Planned Unit Development (PUD) for PID 3302921440009 with the following conditions:

1. 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 to the satisfaction of the requisite author:
  - a. City Engineer's memos dated May 9, 2023.
  - b. City Landscape Architect's memo dated February 24, 2023, or any subsequently revised comment memo.
  - c. City Fire Chief's memo dated March 1, 2023.
2. 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.
3. 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.

4. The Applicant shall first receive a DNR Public Waters Work Permit prior to any work below the ordinary high water level (OHWL), defined as top of the bank of the stream.
5. The Applicant shall not intensify the lot coverage on site or building height without amending the site plan, and if required by the City, amending the variance to these standards.
6. No deviations are provided for signage. If signage is desired, the Applicant must apply for a sign permit with the City, and will provide a complete sign plan detailing all signage proposed.
7. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements. Any improvements in Stillwater Boulevard shall be consistent with Washington County standards.
8. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
9. 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.
10. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
11. Existing drainage and utility easements shall be vacated prior to recording final plat.
12. 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.
13. Finalization, adoption, and publication of an overlay PUD district ordinance shall occur before the recording of the final plat.
14. 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.
15. 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.

**FISCAL IMPACT:** Prior to recording the Final Plat, the Applicant will pay the City fees for Utility Area and Impact Charges and Parkland Dedication. Building Permit fees will be collected at the time of permit issuance. The City is not providing financial assistance as part of this project.

**OPTIONS:**

The City Council may:

- Approve the requests.
- Approve the requests with conditions.
- Deny the requests, citing findings of fact.

**RECOMMENDATION:**

Should the City Council agree with staff's recommendations and findings, it should conditionally approve the proposed Final Plat, Final PUD, and Shoreland Variance for the subject property

with the recommended findings and conditions of approval listed in the staff report. The following approvals will be required:

***“Motion to adopt Resolution 2023-055 approving the final plat, PUD, and shoreland variance requested by United Properties for the subject property based on the findings of fact and recommended conditions of approval listed in the staff report.”***

[AND]

***“Motion to adopt Ordinance 2023-12 adopting the PUD standards requested by United Properties for the Amira project on the subject property.”***

[AND]

***“Motion to adopt Resolution 2023-056 authorizing summary publication of Ordinance 2023-12.”***

**ATTACHMENTS:**

1. Application Narrative
2. Final Plat and PUD Plans
3. Fire Chief Memo
4. City Engineer Memos
5. Landscape Architect Memo
6. Resolution 2023-055 – Final Plat/PUD/Shoreland Variance Approval
7. Ordinance 2023-12 – PUD Ordinance
8. Resolution 2023-056 – Summary Publication of Ordinance 2023-12



UNITED  
PROPERTIES

651 Nicollet Mall, Ste 450  
Minneapolis, Minnesota 55402  
952-835-5300

1331 17th Street, Ste 604  
Denver, Colorado 80202  
720-898-8866

September 9, 2022

Molly Just  
Planning Director  
City of Lake Elmo  
3880 Laverne Avenue North  
Suite 100  
Lake Elmo, MN 55042

Dear Ms. Just,

United Properties is requesting a Comprehensive Plan Amendment for a 146-unit age-restricted 55+ year old Amira community. This will be independent living with no services- not dissimilar to the previously contemplated Applewood. The proposed community will include numerous interior and exterior amenities for residents to enjoy. As proposed, the building will be 4-stories with an underground parking garage and will include electric vehicle charging stations.

I would like to provide some context on our efforts to develop the “for sale” Applewood Community. We pursued this development for a couple of years and in fact kicked off our sales efforts a month before the start of the covid pandemic. This was not ideal timing as we lost much of 2020 due to the inability to hold in-person meetings. We never got back to full pre-pandemic activity and the current trend of higher construction pricing and interest rates clearly impacted the “for sale” housing market. Based on weak sales we decided to consider a change to rental earlier this year which is still very much in demand.

We have found that our potential buyers have a growing interest in upscale 55+ rental communities. We believe this is due to increased flexibility and high cost of buying vs. renting their home. Our Amira brand communities have been very successful. We built our first community in Roseville which we toured with the Lake Elmo Mayor and opened a second in Bloomington this past Spring which is already 80% leased. A third community is under construction in Minnetonka.

<https://www.amiracommunities.com/communities>

We just completed a market demand study for 55+ rental and it indicates unmet current demand of 171 units at this location growing to over 200 by 2027. Our approach to changing to an Amira is to keep as much of the previously approved Applewood design intact including the building footprint, exterior design, interior common area and sitework. If you put the current Amira next to the previous 103-unit Applewood, the plans look pretty much identical except for an added pool, expanded garage parking and secondary emergency access to the south. We have essentially kept the same footprint and downsized the average unit size to reflect the rental vs “for sale” market. This will remain a senior community, with no intense services associated with an assisted living community, resulting in low impact density; it will bring a



651 Nicollet Mall, Ste 450  
Minneapolis, Minnesota 55402  
952-835-5300

1331 17th Street, Ste 604  
Denver, Colorado 80202  
720-898-8866

similar tax base to the city; and the same developer provided Hudson Blvd improvements. We would also increase our contribution toward future lift station improvements based on the increased unit density.

By proceeding with a Comprehensive Plan Amendment from BP (business park) to HDR (high density residential) to allow for a high-density residential development on this parcel, we firmly believe this would provide an opportunity to incorporate a low traffic generating residential land use in this area that is in high demand. We are confident that Lake Elmo's reputation along with the local amenities and nearby retail options will make this a very popular location for an Amira community.

For comparison purposes, we have shown the impacts of a 30,000± SF office building compared to our proposed Amira project. In our research it was determined that the anticipated tax revenue for Amira is anticipated to generate approximately 36%-49% more tax revenue than an office building, as illustrated in Table 1 below.

In addition, the Amira community will generate less traffic than an office building, as well as require significantly less surface parking spaces, greatly reducing the impacts of an already challenging site in terms of stormwater management.

**TABLE 1: TAX REVENUE COMPARISON**

PROPERTY	SQUARE FOOTAGE	ESTIMATED VALUE	NET TAX AMOUNT
CURRENT SITE	Vacant Land	\$1,322,800	\$60,738
8519 EAGLE POINT BLVD	32,000	\$4,090,900	\$152,214
8550 HUDSON BLVD N	30,000	\$5,577,400	\$207,598
AMIRA LAKE ELMO	277,372	\$73,000,000	\$425,316

Best Regards,

*J. Mason*

Jennifer Mason

Development Manager



K:\TWC\_LDEV\SE Architects\Applewood Pointe of Lake Elmo\3 Design\CAD\PlanSheets\C4-SITE PLAN.dwg May 04, 2023 - 5:35pm

**KEYNOTE LEGEND**

- (A) PROPOSED (7'X10') PLANTER BOXES WITH 5' CLEAR SPACE BETWEEN
- (B) MATCH EXISTING EDGE OF PAVEMENT/ CURB & GUTTER
- (C) B612 CURB & GUTTER (TYP.)
- (D) B624 CURB AND GUTTER
- (E) FLAT CURB
- (F) MOUNTABLE CURB
- (G) ACCESSIBLE PEDESTRIAN CURB RAMP
- (H) ACCESSIBLE PARKING SIGN
- (I) ACCESSIBLE PARKING
- (J) AREA STRIPED WITH 4" SYSL @ 45° 2' O.C.
- (K) FIRE DEPARTMENT CONNECTION; REFER TO MEP PLANS
- (L) SITE SIGNAGE - SEE ARCH PLANS
- (M) LANDSCAPE AREA - SEE LANDSCAPE PLANS
- (N) COMMERCIAL DRIVEWAY APRON
- (O) PROPOSED DECK, SEE ARCH PLANS
- (P) PROPOSED PATIO, SEE SHEET C500 AND ARCH PLANS, PATIO GRADES SHALL NOT EXCEED 2% IN ANY DIRECTION
- (Q) PROPOSED PLANTER, SEE LANDSCAPE PLANS
- (R) STOP SIGN (R1-1) PER MUTCD STANDARDS

- (S) CONCRETE VALLEY GUTTER
- (T) 2' WIDE CURB CUT
- (U) NOT USED
- (V) NOT USED
- (W) PROPOSED PAVEMENT MARKING
- (X) PROPOSED TRANSFORMER; REFER TO MEP
- (Y) PROPOSED GENERATOR; REFER TO MEP
- (Z) PROPOSED CONDENSER; REFER TO MEP
- (AA) PROPOSED PEDESTRIAN CROSS WALK
- (BB) 'DO NOT ENTER/ FIRE ACCESS ONLY' SIGNAGE
- (CC) 'RESERVED NO PARKING' SIGNAGE

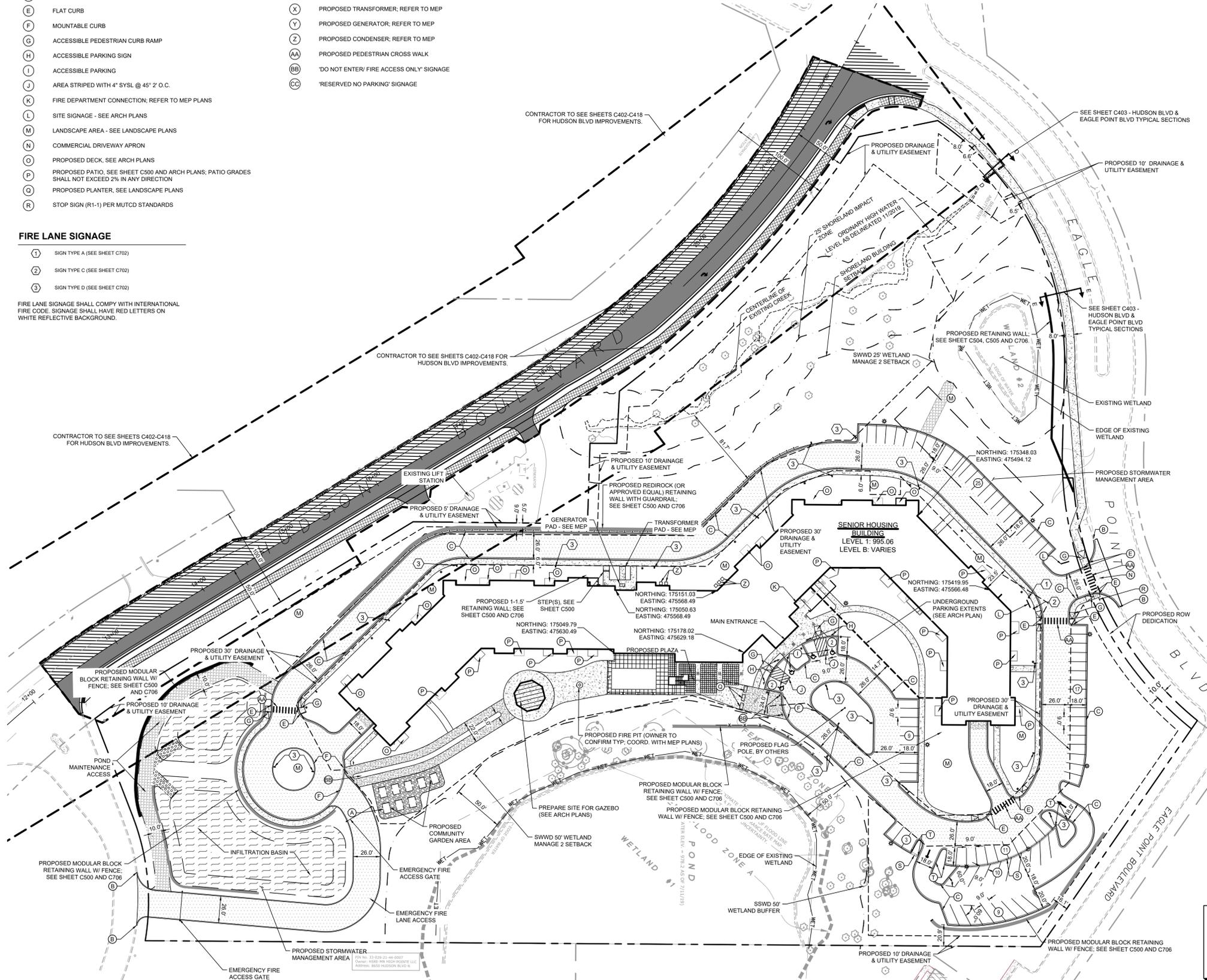
**FIRE LANE SIGNAGE**

- ① SIGN TYPE A (SEE SHEET C702)
- ② SIGN TYPE C (SEE SHEET C702)
- ③ SIGN TYPE D (SEE SHEET C702)

FIRE LANE SIGNAGE SHALL COMPLY WITH INTERNATIONAL FIRE CODE. SIGNAGE SHALL HAVE RED LETTERS ON WHITE REFLECTIVE BACKGROUND.

**LEGEND**

- PROPERTY LINE
- x-x-x-x-x-x- PROPOSED FENCE
- SETBACK LINE
- == RETAINING WALL
- == PROPOSED CURB AND GUTTER
- PROPOSED LIGHTED BOLLARD; REFER TO MEP PLANS
- ☀ PROPOSED LIGHT POLE; REFER TO MEP PLANS
- ▨ PROPOSED CONCRETE SIDEWALK
- ▨ PROPOSED HEAVY DUTY CONCRETE
- ▨ PROPOSED STANDARD DUTY ASPHALT
- ▨ PROPOSED STANDARD DUTY ASPHALT - PER CITY STANDARDS
- ▨ PROPOSED HEAVY DUTY ASPHALT
- ▨ PROPOSED MILL AND OVERLAY
- ▨ PROPOSED BITUMINOUS TRAIL
- ▨ PROPOSED ROCK MULCH
- ▨ PROPOSED STAMPED CONCRETE
- ▨ MAINTENANCE ACCESS PATH NOT WITHIN 100-YEAR HWL 12" CLASS V (MNDOT SPECIFICATION TABLE 3138-5) OVER TENSAR BX1200 BIAXIAL GRID, OR APPROVED EQUIVALENT
- ▨ MAINTENANCE ACCESS PATH WITHIN 100-YEAR HWL 12" CLEAN CRUSHED ROCK (2" - 1 1/2" GRADATION) OVER TENSAR BX1200 BIAXIAL GRID, OR APPROVED EQUIVALENT
- ▨ PROPOSED STORMWATER MANAGEMENT AREA



**PROPERTY SUMMARY**

AMIRA LAKE ELMO	
TOTAL EXISTING PROPERTY AREA	508,702 SF (11.68 AC)
PROPOSED RIGHT OF WAY DEDICATION	2,800 SF (0.07 AC)
TOTAL PROPOSED PROPERTY AREA	505,902 SF (11.61 AC)
TOTAL OPEN SPACE AREA	283,307 SF (6.50 AC)
PUBLIC TRAILS AREA	12,252 SF (0.28 AC)
EXISTING IMPERVIOUS AREA	0 SF (0.00 AC) [0.00%]
EXISTING PERVIOUS AREA	505,902 SF (11.61 AC) [100.00%]
PROPOSED IMPERVIOUS AREA	172,236 SF (3.95 AC) [34.0%]
PROPOSED PERVIOUS AREA	333,666 SF (7.66 AC) [66.0%]

**ZONING SUMMARY**

EXISTING ZONING	BP-PUD
PARKING SETBACKS	SIDE/REAR = 0' ROAD = 0'
BUILDING SETBACKS	FRONT = 20' SIDE = 20' REAR = 0'

**BUILDING DATA SUMMARY**

AREAS	
PROPOSED PROPERTY	508,702 SF (11.68 AC)
BUILDING AREA	53,900 SF (10.60% OF TOTAL PROPERTY AREA)

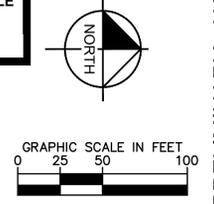
**PARKING**

PROPOSED PARKING	234 SPACES @ 1.6 SPACE PER DWELLING (146 DWELLINGS)
PROPOSED SURFACE PARKING	88 SPACES
PROPOSED GARAGE PARKING	146 SPACES; SEE ARCH PLANS
ADA SURFACE STALLS REQ'D / PROVIDED	4 SPACES / 4 SPACES

**LIMITS OF DISTURBANCE SUMMARY**

TOTAL DISTURBED AREA	10.52 AC
HUDSON BLVD IMPROVEMENTS	2.34 AC
EXISTING IMPERVIOUS AREA	1.13 AC
EXISTING PERVIOUS AREA	1.21 AC
PROPOSED IMPERVIOUS AREA	1.23 AC
PROPOSED PERVIOUS AREA	1.11 AC
ON-SITE IMPROVEMENTS	8.53 AC
EXISTING IMPERVIOUS AREA	0.00 AC
EXISTING PERVIOUS AREA	8.53 AC
PROPOSED IMPERVIOUS AREA	3.95 AC
PROPOSED PERVIOUS AREA	4.58 AC

**\*CONTRACTOR TO FIELD VERIFY LOCATIONS OF ALL UTILITIES WITHIN CONSTRUCTION LIMITS FOR HUDSON BOULEVARD AND EAGLE POINT BOULEVARD PRIOR TO CONSTRUCTION\***



**PRELIMINARY - NOT FOR CONSTRUCTION**



LSE ARCHITECTS, INC.  
100 Portland Ave South, Suite 100  
Minneapolis, MN 55401

612.343.1010 office  
612.338.2280 fax

www.lse-architects.com

UNITED PROPERTIES



2020 KIMLEY-HORN AND ASSOCIATES, INC.  
767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114  
PHONE: 651-645-4197  
WWW.KIMLEY-HORN.COM

Key Plan



UNITED PROPERTIES  
CREATING DEEP ROOTS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

JARED F. JONES, PE  
DATE: 05/05/2023 MN LIC. NO. 46610

No.	Date	Revision Description

**AMIRA LAKE ELMO**

HUDSON BOULEVARD  
LAKE ELMO, MINNESOTA  
PID# 33.029.21.44.0009

**PLANNING**

**SITE PLAN**

Project 19.1001.04 Drawing Number  
Date 05/05/2023  
Drawn by BAW C400  
Checked by JFJ



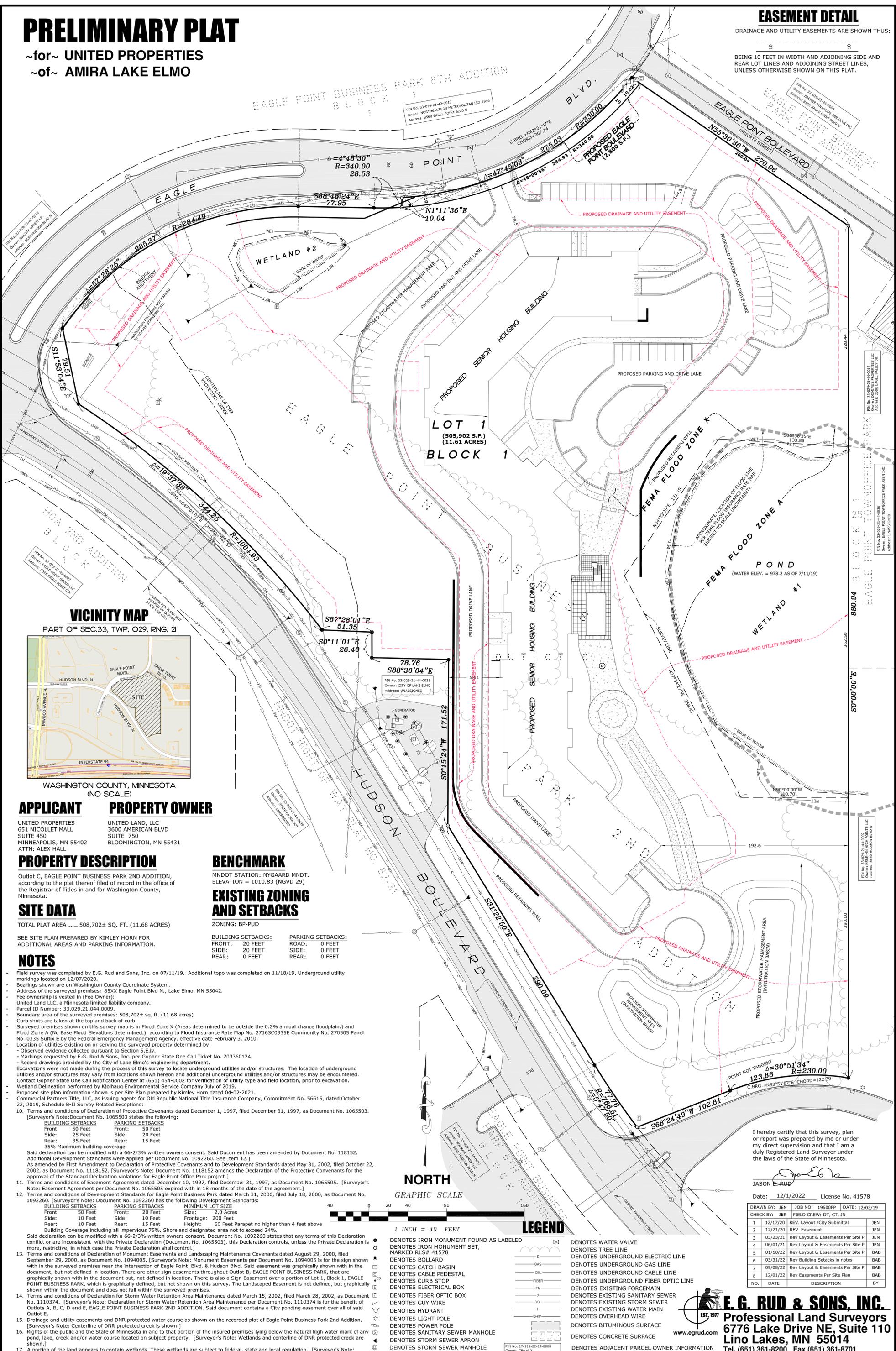
# PRELIMINARY PLAT

~for~ UNITED PROPERTIES  
~of~ AMIRA LAKE ELMO

## EASEMENT DETAIL

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

BEING 10 FEET IN WIDTH AND ADJOINING SIDE AND REAR LOT LINES AND ADJOINING STREET LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.



### VICINITY MAP

PART OF SEC.33, TWP. 029, RNG. 21



WASHINGTON COUNTY, MINNESOTA  
(NO SCALE)

### APPLICANT PROPERTY OWNER

UNITED PROPERTIES  
651 NICOLLET MALL  
SUITE 450  
MINNEAPOLIS, MN 55402  
ATTN: ALEX HALL

UNITED LAND, LLC  
3600 AMERICAN BLVD  
SUITE 750  
BLOOMINGTON, MN 55431

### PROPERTY DESCRIPTION

Outlot C, EAGLE POINT BUSINESS PARK 2ND ADDITION, according to the plat thereof filed of record in the office of the Registrar of Titles in and for Washington County, Minnesota.

### SITE DATA

TOTAL PLAT AREA ..... 508,702± SQ. FT. (11.68 ACRES)

SEE SITE PLAN PREPARED BY KIMLEY HORN FOR ADDITIONAL AREAS AND PARKING INFORMATION.

### NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 07/11/19. Additional topo was completed on 11/18/19. Underground utility markings located on 12/07/2020.
- Bearings shown are on Washington County Coordinate System.
- Address of the surveyed premises: 85XX Eagle Point Blvd N., Lake Elmo, MN 55042.
- Fee ownership is vested in (Fee Owner).
- United Land LLC, a Minnesota limited liability company.
- Parcel ID Number: 33.029.21.044.0009.
- Boundary area of the surveyed premises: 508,702± sq. ft. (11.68 acres)
- Curb shots are taken at the top and back of curb.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.) and Flood Zone A (No Base Flood Elevations determined.), according to Flood Insurance Rate Map No. 27163C0335E Community No. 270505 Panel No. 0335 Suffix E by the Federal Emergency Management Agency, effective date February 3, 2010.
- Location of utilities existing on or serving the surveyed property determined by:
  - Observed evidence collected pursuant to Section 5.E.iv.
  - Markings requested by E.G. Rud & Sons, Inc. per Gopher State One Call Ticket No. 203360124
  - Record drawings provided by the City of Lake Elmo's engineering department.
  - Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered.
  - Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.
  - Wetland Delineation performed by Kjoilbaug Environmental Service Company July of 2019.
  - Proposed site plan information shown is per Site Plan prepared by Kimley Horn dated 04-02-2021.
  - Commercial Partners Title, LLC, as Issuing agents for Old Republic National Title Insurance Company, Commitment No. 56615, dated October 22, 2019, Schedule B-II Survey Related Exceptions:
- Terms and conditions of Declaration of Protective Covenants dated December 1, 1997, filed December 31, 1997, as Document No. 1065503. [Surveyor's Note: Document No. 1065503 states the following:
 

BUILDING SETBACKS		PARKING SETBACKS	
Front:	50 Feet	Front:	50 Feet
Side:	25 Feet	Side:	20 Feet
Rear:	35 Feet	Rear:	15 Feet

 35% Maximum building coverage.  
 Said declaration can be modified with a 66-2/3% written owners consent. Said Document has been amended by Document No. 118152. Additional Development Standards were applied per Document No. 1092260. See Item 12.]  
 As amended by First Amendment to Declaration of Protective Covenants and to Development Standards dated May 31, 2002, filed October 22, 2002, as Document No. 1118152. [Surveyor's Note: Document No. 1118152 amends the Declaration of the Protective Covenants for the approval of the Standard Declaration violations for Eagle Point Office Park project.]
- Terms and conditions of Easement Agreement dated December 10, 1997, filed December 31, 1997, as Document No. 1065505. [Surveyor's Note: Easement Agreement per Document No. 1065505 expired with in 18 months of the date of the agreement.]
- Terms and conditions of Development Standards for Eagle Point Business Park dated March 31, 2000, filed July 18, 2000, as Document No. 1092260. [Surveyor's Note: Document No. 1092260 has the following Development Standards:
 

BUILDING SETBACKS	PARKING SETBACKS	MINIMUM LOT SIZE			
Front:	50 Feet	Front:	20 Feet	Size:	2.0 Acres
Side:	10 Feet	Side:	10 Feet	Frontage:	200 Feet
Rear:	10 Feet	Rear:	15 Feet	Height:	60 Feet Parapet no higher than 4 feet above

 Building Coverage including all Impervious 75%. Shoreland designated area not to exceed 24%.  
 Said declaration can be modified with a 66-2/3% written owners consent. Document No. 1092260 states that any terms of this Declaration conflict or are inconsistent with the Private Declaration (Document No. 1065503), this Declaration controls, unless the Private Declaration is more restrictive, in which case the Private Declaration shall control.]
- Terms and conditions of Declaration of Monument Easements and Landscaping Maintenance Covenants dated August 29, 2000, filed September 29, 2000, as Document No. 1094005. [Surveyor's Note: Monument Easements per Document No. 1094005 is for the sign shown with in the surveyed premises near the intersection of Eagle Point Blvd. & Hudson Blvd. Said easement was graphically shown with in the document, but not defined in location. There are other sign easements throughout Outlot B, EAGLE POINT BUSINESS PARK, that are graphically shown with in the document but, not defined in location. There is also a Sign Easement over a portion of Lot 1, Block 1, EAGLE POINT BUSINESS PARK, which is graphically defined, but not shown on this survey. The Landscaped Easement is not defined, but graphically shown within the document and does not fall within the surveyed premises.
- Terms and conditions of Declaration for Storm Water Retention Area Maintenance dated March 15, 2002, filed March 28, 2002, as Document No. 1110374. [Surveyor's Note: Declaration for Storm Water Retention Area Maintenance per Document No. 1110374 is for the benefit of Outlots A, B, C, D and E, EAGLE POINT BUSINESS PARK 2ND ADDITION. Said document contains a City pending easement over all of said Outlot E.
- Drainage and utility easements and DNR protected water course as shown on the recorded plat of Eagle Point Business Park 2nd Addition. [Surveyor's Note: Centerline of DNR protected creek is shown.]
- Rights of the public and the State of Minnesota in and to that portion of the insured premises lying below the natural high water mark of any pond, lake, creek and/or water course located on subject property. [Surveyor's Note: Wetlands and centerline of DNR protected creek are shown.]
- A portion of the land appears to contain wetlands. These wetlands are subject to federal, state and local regulation. [Surveyor's Note: Wetlands are shown.]

### BENCHMARK

MNDOT STATION: NYGAARD MNDT.  
ELEVATION = 1010.83 (NGVD 29)

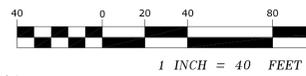
### EXISTING ZONING AND SETBACKS

ZONING: BP-PUD

BUILDING SETBACKS:		PARKING SETBACKS:	
FRONT:	20 FEET	ROAD:	0 FEET
SIDE:	20 FEET	SIDE:	0 FEET
REAR:	0 FEET	REAR:	0 FEET

### NORTH

GRAPHIC SCALE



### LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES BOLLARD
- DENOTES CATCH BASIN
- DENOTES CABLE PEDESTAL
- DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- DENOTES FIBER OPTIC BOX
- DENOTES GUY WIRE
- DENOTES HYDRANT
- DENOTES LIGHT POLE
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES STORM SEWER APRON
- DENOTES STORM SEWER MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES WATER VALVE
- DENOTES TREE LINE
- DENOTES UNDERGROUND ELECTRIC LINE
- DENOTES UNDERGROUND GAS LINE
- DENOTES UNDERGROUND CABLE LINE
- DENOTES UNDERGROUND FIBER OPTIC LINE
- DENOTES EXISTING FORECMAIN
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER WASHINGTON COUNTY TAX INFORMATION)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD  
Date: 12/1/2022 License No. 41578

NO.	DATE	DESCRIPTION	BY
1	12/17/20	REV. Layout /City Submittal	JEN
2	12/21/20	REV. Easement	JEN
3	03/23/21	Rev Layout & Easements Per Site Pl	JEN
4	06/01/21	Rev Layout & Easements Per Site Pl	JEN
5	01/10/22	Rev Layout & Easements Per Site Pl	BAB
6	03/31/22	Rev Building Setbacks in notes	BAB
7	09/08/22	Rev Layout & Easements Per Site Pl	BAB
8	12/01/22	Rev Easements Per Site Plan	BAB

**E. G. RUD & SONS, INC.**  
EST. 1977  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com





**From:** [Sophia Jensen](#)  
**To:** [Jenni Faulkner](#)  
**Subject:** Fwd: Lake Elmo Land Use Review - February 3rd Batch  
**Date:** Friday, March 3, 2023 1:22:40 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

Jenni - here is a late comment from the DNR for Amira.

Sophia Jensen,  
City Planner

City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042  
651-747-3911

---

**From:** Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>  
**Sent:** Friday, March 3, 2023 1:08:23 PM  
**To:** Sophia Jensen <Sjensen@lakeelmo.org>  
**Subject:** RE: Lake Elmo Land Use Review - February 3rd Batch

**Caution:** This email originated outside our organization; please use caution.

Hello Sophia,

Please note the following comments regarding Final Plat and PUD – Amira at PID 33.29.21.44.0009. I apologize for not sending feedback by the March 1.

- The stream identified in the Civil Planset is a DNR Public Watercourse referred to as *Unnamed to Wilmes Lake*. Any work below the ordinary high water level (OHWL), defined as top of the bank of the stream, would require application for a DNR Public Waters Work Permit.
- The planset correctly identifies the required 50-foot structure setback from the OHWL of this Public Watercourse as required by the City of Lake Elmo's shoreland ordinance (Municipal Code Section 105.12.1260, Shoreland Management Overlay District). The planset also correctly identifies the Shore Impact Zone.
- The application materials do not identify the extent of the shoreland district on this property. The shoreland district is defined as the area within 300 feet of the stream. While the application meets the required structure setback requirements in the city's shoreland ordinance, the application appears to deviate from other shoreland district requirements for structure height (35 feet), impervious surface lot coverage (30%), and shoreland PUD density requirements.

Best Regards,

**Dan Scollan**

East Metro Area Hydrologist – Ramsey and Washington Counties  
Division of Ecological and Water Resources

**Minnesota Department of Natural Resources**

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5732

Fax: 651-772-7977

Email: [daniel.scollan@state.mn.us](mailto:daniel.scollan@state.mn.us)

[mndnr.gov](http://mndnr.gov)



---

**From:** Sophia Jensen <SJensen@lakeelmo.org>

**Sent:** Wednesday, February 15, 2023 8:50 AM

**To:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>; Chad Isakson <Chad.Isakson@focusengineeringinc.com>; Jenni Faulkner <jenni.faulkner@bolton-menk.com>; Sarah Evenson <sarah@hkgi.com>; MN\_DOT\_MetroDevReviews <metrodevreviews.dot@state.mn.us>; John.loomis@woodburymn.gov; 'John P. Hanson' <JHanson@barr.com>; Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>; Dustin Kalis <DKalis@lakeelmo.org>; planning@ci.woodbury.mn.us

**Subject:** Lake Elmo Land Use Review - February 3rd Batch

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

---

You are being asked to review the following applications as a stakeholder in the area of a pending application. Please see links below.

**Final Plat and PUD - Amira:** PID 33.29.21.44.0009 United Properties has submitted a final plat and PUD application for a 4-story 146 unit for rent senior housing complex. Zoning: High Density Residential and Shoreland Overly District. Reviewers: MN DNR, South Washington Watershed District, City Engineer, Fire Dept, Landscape Architect. **Please have feedback to Sophia Jensen by Wednesday March 1<sup>st</sup> 2023.** [https://drive.google.com/drive/folders/1M-VeRju0r0y4d9ChvtlIG35WcSHtPuMP?usp=share\\_link](https://drive.google.com/drive/folders/1M-VeRju0r0y4d9ChvtlIG35WcSHtPuMP?usp=share_link)

**Preliminary Plat and PUD – Ebertz Property:** PID 34.029.21.44.0004 and PID 34.029.21.44.0006. Landform on behalf of Drake Motor Partners has submitted a preliminary plat and PUD application for 4 lot subdivision with electric auto dealership and services, a fast food building, and 2 undecided lots. Zoning: Commercial. Reviewers: City of Woodbury, Valley Branch Watershed District, City Engineer, Fire Dept., Landscape Architect, MN DOT.

Please have feedback to Sophia Jensen by Wednesday March 1<sup>st</sup> 2023 .

[https://drive.google.com/drive/folders/1SdWx0n3-YUZAx1EDss8txxDtWVQvY6bt?usp=share\\_link](https://drive.google.com/drive/folders/1SdWx0n3-YUZAx1EDss8txxDtWVQvY6bt?usp=share_link)

**Sketch Plan – At Home Apartments 39<sup>th</sup> St and Wildflower Dr -** PID 13.029.21.21.0007.

At Home Apartments has submitted a revised sketch plan for 30 twin and townhomes at the North East corner of 39<sup>th</sup> St and Wildflower Dr. Zoning: Village Mixed Use. Reviewers: Valley Branch Watershed District, City Engineer, Fire Dept, Landscape Architect. Please have

feedback to Sophia Jensen by Wednesday March 1<sup>st</sup> 2023 .

[https://drive.google.com/drive/folders/1CuCEmziNKQ1DmsFcmxrSpDVj7uXW\\_Dlg?usp=share\\_link](https://drive.google.com/drive/folders/1CuCEmziNKQ1DmsFcmxrSpDVj7uXW_Dlg?usp=share_link)

Sophia Jensen  
City Planner

City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042  
651-747-3911

# Lake Elmo Fire Department

## Memorandum

To: Sophia Jensen, City Planner

From: Dustin Kalis, Fire Chief

Date: 3/1/2023

Re: Final Plat/PUD, United Properties, Amira Lake Elmo (PID 3302921440009)



---

The Lake Elmo Fire Department has completed a Final Plat/PUD, United Properties, Amira Lake Elmo (PID 3302921440009) review based on submittals dated 12/6/22 with the following comments:

- 1) All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses. The turning radius plan overlay has been provided and is accepted by the fire department.
- 2) The required secondary emergency access is provided and the location is approved by the fire department. The installation and maintenance of gates or other approved barricades across fire apparatus access road at both ends shall be provided and approved prior to installation.
- 3) An approved signage and marking plan shall be determined for all No Parking and Fire Lane access roads. Signage plan provided is approved by the fire department.
- 4) Fire hydrants shall be provided in approved locations following review by Engineering and Public Works. Hydrant plan is approved by the fire department.
- 5) Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background. Addresses may be required to be posted adjacent to driveways or other access ways. Size and placement of address numbers shall be approved by the fire and planning departments.
- 6) A Fire Department lock box is required for emergency access to building at an approved location. Provide keys for emergency access into and throughout the occupancy as required.
- 7) The fire sprinkler system shall be installed compliant with provisions of 2016 NFPA Standard 13, Installation of Sprinkler Systems. City permit required prior to initiation of work.
- 8) Standpipes shall be installed compliant with 2016 NFPA 14, Standard for the Installation of Standpipe and Hose Systems.
- 9) Fire Department sprinkler connection locations to be approved prior to installation.
- 10) The fire alarm systems shall be installed compliant with provisions of 2016 NFPA Standard 72, National Fire Alarm Code. City permit required prior to initiation of work.
- 11) The sprinkler system shall be properly monitored by a qualified monitoring company.

*“Proudly Serving Neighbors & Friends”*

- 12) Install emergency egress illumination in the means of egress including exit discharge compliant with 2020 MSFC.
- 13) Install compliant exit signage as required by the 2020 MSFC.
- 14) Provide and install dry chemical fire extinguishers certified for service and tagged as required. Service classification rating shall be a minimum 2A classification rating and maximum travel distance of 75 feet to extinguishers. The minimum classification rating may be upgraded for special or extra hazard areas within the occupancy.
- 15) Rooms containing controls for air-conditioning systems, roof access, elevator equipment, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

#### **Codes and Standards Used for this Review**

This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.

- 2020 Minnesota State Fire Code
- Lake Elmo Fire Department Fire Code Policy
- NFPA 72, 2016 edition
- NFPA 13, 2016 edition
- NFPA 14, 2016 edition



basin maintenance access roads and maintenance benches, outfall control structures, and overland emergency overflows and pathways. Drainage and utility easement revisions may be necessary on the Final Plat to reflect any grading plan changes.

8. The stormwater management facilities constructed as part of the subdivision improvements will remain privately owned and maintained. As part of the Final Plat approval the applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement prior to the recording of the Final Plat.
9. Emergency Access Easement and Agreement. Final Plat approval must be contingent upon the applicant providing an Emergency Access Easement and Agreement in the form approved by the City Attorney to provide for secondary emergency access to the site. The site plans must be revised to show the emergency access easement area on the project plans.
10. Temporary Construction Easement. All temporary construction easements for any off-site grading or subdivision improvements required for the development must be provided to the city in the city's standard form of agreement prior to the approval of the construction plans. The city must be identified as a grantee to the temporary construction easements. The temporary construction easements must be shown on the site plans. The site plans and grading plans must be revised to show the temporary construction easement to facilitate the proposed off-site grading shown in the southeast corner of the property adjacent to the emergency vehicle access road.

#### FINAL CONSTRUCTION PLANS & SPECIFICATIONS

1. Final Construction Plans and Specifications must be prepared in accordance with the latest version of the City Engineering Design Standards Manual dated January 2022, using City standard details, plan notes and specifications and meeting City Engineering Design Guidelines, unless approved otherwise by the City Engineer.
2. Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated May 9, 2023.
3. Site Access. The site plans propose a single site access that is located along Eagle Point Boulevard, approximately 200 feet southwest from the existing Eagle Point business condominium private driveway. Although the 200-foot spacing is less than the preferred minimum spacing of 330 feet for collector roadways, this appears to be the preferred access location for this development. The 200-foot offset is acceptable due to the low speed and low daily traffic volumes on Eagle Point Boulevard. In addition, the proposed site access maintains a greater spacing distance from Hudson Boulevard, which provides for higher volume cueing within the existing Eagle Point Boulevard turn lanes to Hudson Boulevard.
4. Secondary Access. The development density on this site requires a secondary access for emergency services. The site plan proposes a permanent "emergency access only" that connects to the existing private commercial driveway on the south property line. The emergency access will be a 26-foot wide paved surface with grades not exceeding 7%. Final Plat approval must be contingent upon the permanent emergency access being constructed in accordance with Plans and Specifications approved by the City.
5. Private Streets. The streets interior to the development are proposed to remain privately owned and maintained. Interior street design and geometrics must be implemented as approved by the Lake Elmo Fire Department to ensure adequate fire lanes and emergency vehicle access.
6. Hudson Boulevard Improvements. Final Plat approval must be contingent upon the applicant completing improvements to Hudson Boulevard as part of the subdivision improvements. The Hudson Boulevard Improvements must be completed in general conformance with the Hudson Boulevard Design Standards and as approved by the City Engineer. Improvements must include an urban section and bituminous trail along the north boulevard and along the full frontage of the development parcel.
7. Pedestrian Connectivity. The preliminary plans propose a 6-foot concrete sidewalk along Eagle Point Boulevard from the proposed site access location to Hudson Boulevard. A bituminous trail is proposed to extend east along the full extent of the Hudson Boulevard right-of-way. Final Plat approval must be contingent upon the sidewalk and trail being constructed consistent with the Hudson Boulevard and City Engineering design standards, and in accordance with Plans and Specifications approved by the City.

8. The proposed development is subject to a storm water management plan meeting State, South Washington Watershed District (SWWD) and city rules. A permit will be required from both the Minnesota Pollution Control Agency and SWWD.
9. Storm water facilities proposed as part of the site plan to meet State and SWWD permitting requirements must also be constructed in accordance with the City Engineering Design Standards Manual.
10. The storm water facilities constructed for this development will remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the city's standard form of agreement.
11. Public watermain is available to serve the development with existing utilities located along Hudson Boulevard and Eagle Point Boulevard. The applicant will be responsible to extend municipal water internal to the site to serve the subdivision and to connect to the existing city watermain system in two locations; one connection to the existing 12-inch trunk watermain located along Eagle Point Boulevard, and one connection to the existing 12-inch trunk watermain located along Hudson Boulevard. Hydrant locations and system valves must be placed internal to the site as directed by the Lake Elmo Public Works and Fire Departments. All internal site hydrants, and watermains feeding any hydrant, will remain city owned and operated. No utility pipe oversize costs are anticipated for this development. No watermain pipe oversizing is required for this subdivision.
12. Sanitary sewer service is available to the site. The applicant will be responsible to connect to the city sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. As a condition of Final Plat approval, the applicant will be required to pay \$100,000 to the City's Sewer Enterprise Fund to contribute toward the accelerated and increased lift station upgrades.
13. The Final Construction Plans must include a construction parking and staging plan internal to the development site. No parking or any construction staging, including the loading and unloading of materials and equipment will be allowed at any time on Hudson Boulevard or Eagle Point Boulevard during the construction of the site improvements and buildings, unless specifically allowed through right-of-way permit or during city approved roadway closures. All street, curb and boulevard damage caused by the construction activities must be repaired or replaced by the developer(s) at no cost to the city and must meet city design standards and specifications.
14. No construction on the Project may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to 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.

# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4285

Date: May 9, 2023

---

To: Bryce Willaby, PE, Kimley-Horn  
Cc: Mitchell Cookas, Kimley-Horn  
Jenni Faulkner, Planning Consultant  
Sophia Jensen, City Planner  
Marty Powers, Public Works Director  
Chad Isakson, PE, Assistant City Engineer  
From: Jack Griffin, PE, City Engineer

Re: Amira of Lake Elmo (United Properties)  
Construction Plan Review

---

An engineering review has been completed for the Amira of Lake Elmo Final Construction Plans received May 8, 2023. The review consisted of the following documentation:

- Amira of Lake Elmo Final Plat, PDF file dated May 1, 2023.
- Amira of Lake Elmo Site Development Plans dated May 5, 2023.
- Amira at Lake Elmo Specifications dated May 5, 2023.
- Stormwater Management Report, dated February 13, 2023 (signed May 5, 2023).

---

**STATUS/FINDINGS:** Engineering review comments have been provided to assist with the completion of the Construction Plans. When submitting revised plans and specifications, please provide a point-by-point response letter that details all changes made to the plans.

---

## CONSTRUCITON PLANS

1. Final Plat. Revise the Final Plat to show the Emergency Access Easement area per the Emergency Access Easement Agreement.
2. The plans must be revised to show the temporary construction easements necessary to facilitate the proposed off-site grading work in the southeast corner of the property (adjacent to the emergency vehicle access road). The off-site temporary easements must be shown on the site plans and grading plans.
3. Project Manual. Revise title page to indicate "Project Manual and Specifications for Amira at Lake Elmo Subdivision Improvements and Hudson Boulevard Improvements."
4. Note: There is no Construction Phasing Plan that has been incorporated into the project plan set.
5. C201. Revise plan note "D" to remove and replace sign.
6. C300 and C301. Revise plans to present legible size City Standard Plan Notes (details 600A, 600B, 600C and 600D not legible even on full size plans).
7. C302. Add City Standard Plan Notes (details 600A, 600B, 600C and 600D).
8. C400. Revise the site plans to clearly depict the Emergency Access Easement Area per the Emergency Access Easement Agreement.
9. C402. Remove plan notes 1, 2 and 3. Roadway construction to consist of common excavation and backfill with select granular borrow.

10. C402. Revise all plan notes regarding backfill and compaction to be completed in accordance with city standard specifications and testing requirements.
11. C402. Revise Note 16B to reference city standards dated January 2022.
12. C404. Revise superelevation transition plan to address previous city plan comments and as detailed below (see comment for Sheets C408 and C418 below).
13. C406-C408. Add horizontal and vertical grid for each storm sewer profile.
14. C406 and C409. Revise storm sewer run from STMH-700 to CBMH-702A to meet minimum 3.0 ft. pipe cover.
15. C406. Revise STMH-700 and STMH-701 to structure type 406.
16. C407. Review casting type for CBMH-702A (should be STMH).
17. C407. Revise CBMH-705 to structure type 404.
18. C408 and C409. Revise storm sewer run from Ex. STRM-004 to CBMH-707. By replacing the existing 18-inch RCP pipe crossing Hudson Boulevard, the storm sewer run can be installed to meet the 3.0 ft. city minimum pipe cover.
19. C410. Revise casting schedule to identify the casting for each structure by number, not structure type.
20. C408 and C418. Revise Hudson Boulevard cross slope transition by keeping the entire RTL at a -2.5% cross slope to set all curb and gutter for the future condition. This requires all curb and gutter and full width right turn lane to be installed with minimum 2.5% city standard cross slope. Increase Mill and Overlay limits into the intersection as necessary to transition the RTL pavement.
21. C416 – C418. Revise all cross sections to identify minimum 2-ft. clear zone along back of trail at maximum 4% grade prior to steeper slopes.
22. C502. Revise grading around south side of BMP #1 to create a defined EOF flow pathway from the forebay to the infiltration basin. As discussed, there is nothing in the grading plan requiring the overflow to occur at a controlled EOF location as planned. The overflow will occur simultaneously down the maintenance roadway.



# MEMORANDUM

**TO:** Kristina Handt  
**FROM:** Sarah Evenson, PLA  
**DATE:** 2/24/2023  
**RE:** City of Lake Elmo Landscape Plan Review | Amira

## Amira

### Submittals

1. Amira Submittal Package Dated 2/13/2023. Received on 2/15/2023.

### Review History

Initial sketch plan review on February 24, 2023

**Location:** North of Hudson Boulevard, east and south of Eagle Point Blvd, west of Jade Trail N

**Current Land Use Category:** High-density Residential (HDR) PUD

**Adjacent and Surrounding Land Use:** Business Park (BP) PUD on all sides

**Special Landscape Provisions in addition to the zoning code:** Shoreland Overlay

### Tree Preservation: 105. 12. 470

- A tree preservation plan has been submitted that does not meet requirements:
  - The tree mitigation data on sheet L200 and Mitigation Tree Summary on Sheet L100 need to be revised to reflect the following:

Tree Type	Significant Inches	Required Replacement	Notes
Common	108	$108 \times 0.7 = 75.6''$ $75.6'' / 4 = 18.9''$ $18.9'' / 2.5'' = 7.56$ trees	70% of significant inches removed must be mitigated at a rate of 1/4 the inches removed. If replaced by 2.5" caliper trees, that results in 8 trees.
Hardwood	493	$493 \times 0.7 = 345.1''$ $345.1'' / 2 = 172.55''$ $172.55 / 2.5 = 69.02$ trees	70% of significant inches removed must be mitigated at a rate of 1/2 the inches removed. If replaced by 2.5" caliper trees, that results in 69 trees.

**Landscape Requirements: 105. 12. 480**

- A landscape plan has been submitted that does not meet all code requirements. Revisions required include:
  - The landscape plan does not include the required number of trees. The landscape summary table on sheet L100 needs to be updated to account for the additional tree mitigation trees, and the plans need to add an additional 16 trees.

	Site Measurement	Code Required	Proposed
Street Frontage (LF)	1700'		
<b>Required Street Frontage Trees (1 per 50 LF)</b>		<b>34</b>	<b>34</b>
Development or Disturbed Area (Acres)	11.7		
<b>Required Development Trees (5 per Acre)</b>		<b>59</b>	<b>59</b>
Screening Perimeter between Land Uses (LF)	0		
<b>Required Perimeter Screening Trees (1 per 40 LF)</b>		<b>0</b>	<b>0</b>
Parking Lot Landscaping			
<b>Required Interior Parking Lot Trees (1 per 10 spaces)</b>	<b>88</b>	<b>9</b>	<b>9</b>
<b>Required Perimeter Parking Lot Trees (1 per 50')</b>	<b>470'</b>	<b>10</b>	<b>10</b>
<b>Required Mitigation Trees</b>		<b>77</b>	<b>60</b>
<b>Required Number of Trees</b>		<b>189</b>	<b>173</b>

- The minimum tree composition requirements have been met; however, an additional 16 trees are required. Ensure that the new trees fall within the required composition percentages.

	Quantity	% Composition	Requirement
<b>Deciduous Shade Trees</b>	<b>104</b>	<b>60%</b>	<b>&gt;25% Required</b>
<b>Coniferous Trees</b>	<b>47</b>	<b>27%</b>	<b>&gt;25% Required</b>
<b>Ornamental Trees</b>	<b>22</b>	<b>13%</b>	<b>&lt;15% Required</b>
<b>Tree Count</b>	<b>173</b>		

- Plans need to show elevation views, details, and cross-sections of all required screening:

*Parking areas, and especially vehicle headlights, shall be screened from public streets and sidewalks, public open space, and adjacent residential properties. Screening is required along the parking lot frontage strip (minimum 8' wide), consisting of, "either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of 3 1/2 and a maximum of four feet in height, and not less than 50 percent opaque on a year-round basis."*

  - Provide an elevation or other graphics demonstrating that the retaining wall and proposed landscaping along Eagle Point Boulevard east of Wetland #2 is adequate to screen headlights. Add shrubs or tree planting as needed to ensure screening.

**Recommendation:**

- It is recommended that the landscape and tree preservation plans be revised and resubmitted per the items noted in this memo:
  - add 16 trees
  - revise tree mitigation and landscape summary tables
  - add elevation and/or other graphic(s) to illustrate screening requirements are met for the area noted

**Hoisington Koegler Group, Inc.**



**Sarah Evenson, PLA (MN)**

City of Lake Elmo Municipal Landscape Architect

P: (262) 391-7653

E: Sarah@hkgi.com

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

**RESOLUTION NO. 2023-055**

***RESOLUTION APPROVING THE FINAL PLAT, PUD, AND SHORELAND VARIANCE  
REQUEST FOR THE AMIRA LAKE ELMO PROJECT (PID 33.029.21.44.0009)***

**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**, the City of Lake Elmo approved a Comprehensive Plan Amendment from BP to MU-BP, a zoning map amendment, an Eagle Pointe PUD amendment, and a preliminary plat and PUD plan for a 103 unit multi-family residential development on April 7, 2020; and

**WHEREAS**, in 2022, through Resolution 2022-102, the City of Lake Elmo approved an amendment to the Preliminary Plat and PUD, along with a Comprehensive Plan Amendment from MU-BP (Mixed Use Business Park) to HDR (High Density Residential) to allow for the applicant to increase the proposed number of units to 146 multi-family units; and

**WHEREAS**, the Applicant, United Properties, has requested a Final Plat and PUD with the plans submitted to the City on February 13, 2023 along with subsequent revisions; and

**WHEREAS**, the applications for Final Plat and PUD were not found by the city to be complete until March 28, 2023; and

**WHEREAS**, the Minnesota Department of Natural Resources Area Hydrologist has commented that a Shoreland Variance is also required for the City to approve the request in the Shoreland Overlay District which varies from lot coverage and building height requirements; and

**WHEREAS**, the Applicant submitted a complete variance request on February 23, 2023 to vary from the building height and lot coverage requirements in the City's Shoreland Management Overlay District, which is on this property established as a 300 foot buffer from the Ordinary High Water Level of the Unnamed Tributary to Wilmes Lake; and

**WHEREAS**, notice was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 105.12.250 for the requested shoreland variance at the Planning Commission and PUD Ordinance 2023-12 at the City Council; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on April 10, 2023 and voted to recommend approval of the variance request to the lot coverage and building height standards in the City's Shoreland Management Overlay District as stated and with the findings of fact proposed in the Planning Staff Report dated April 10, 2023; and

**WHEREAS**, the Lake Elmo City Council reviewed the Final Plat, PUD, and Shoreland Variance requests as its meeting held on June 6, 2023 and voted to approve the item with the following findings of fact:

Findings of Fact for the Shoreland Variance

1. The strict interpretation of the City's standards would preclude a use which has been approved by the City for this property, at a density consistent with the City's adopted plans and standards. Practical difficulties arise from strict application of lot coverage and height standards due to circumstances unique to this lot and proposal. The multifamily residential use proposed on this property is a more efficient use of the property than other permitted uses which would require more land area.
2. The property is bound on two sides by sensitive natural areas which are proposed to be protected. The preservation of the wetland area on the west side of the property requires the building to be located within the area of the property that is considered to be Shoreland. These are unique circumstances to this property and the proposed variances would not circumvent the intent of either zoning bulk or shoreland standards.
3. If granted, the variances will not alter the character of the surrounding area. Site design proposed on this property is consistent with surrounding properties and the City's adopted design standards. Any impacts created by building height will be mitigated through distance to other properties and landscaping installed with the development. Stormwater impacts are proposed to be managed through stormwater facilities proposed in the developable area of this site.
4. If granted, the variances would not create environmental impacts such as traffic or noise beyond those created on surrounding properties or permitted by right in the area. The proposed location of the building and parking areas, in the center of the property, help to screen or mitigate any noticeable impacts to neighboring properties.

Final Plat/ PUD:

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 Amira Lake Elmo Final Plat and PUD Plan consists of one lot for multifamily residential use.
3. That the Amira Lake Elmo Final Plat and PUD is generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on November 1, 2022.
4. That the Amira Lake Elmo Final Plat and PUD Plan are consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
5. That the Amira Lake Elmo Final Plat and PUD Plan complies with the general intent of the High-Density Residential (HDR) zoning district with PUD modifications.
6. That the Amira Lake Elmo Final Plat and PUD Plan generally comply with the Lake Elmo Design Guidelines and Standards Manual.

7. That the Amira Lake Elmo Final Plat and PUD generally comply with the City's Subdivision regulations.
8. That the Amira Lake Elmo Final Plat and PUD generally comply with the City's Zoning Code (including Shoreland Zoning) with the exceptions provided for in the PUD and associated Variance request.
9. That the Amira Lake Elmo Final Plat and PUD Plan is generally consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated May 9, 2023, and as otherwise identified in future reviews.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve Amira Lake Elmo Final Plat, PUD, and Shoreland Variance requests subject to the following conditions:

1. 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 to the satisfaction of the requisite author:
  - a. City Engineer's memos dated May 9, 2023.
  - b. City Landscape Architect's memo dated February 24, 2023, or any subsequently revised comment memo.
  - c. City Fire Chief's memo dated March 1, 2023.
2. 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.
3. 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.
4. The Applicant shall first receive a DNR Public Waters Work Permit prior to any work below the ordinary high water level (OHWL), defined as top of the bank of the stream.
5. The Applicant shall not intensify the lot coverage on site or building height without amending the site plan, and if required by the City, amending the variance to these standards.
6. No deviations are provided for signage. If signage is desired, the Applicant must apply for a sign permit with the City, and will provide a complete sign plan detailing all signage proposed.
7. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements. Any improvements in Stillwater Boulevard shall be consistent with Washington County standards.
8. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
9. 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.
10. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
11. Existing drainage and utility easements shall be vacated prior to recording final plat.
12. 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.

13. Finalization, adoption, and publication of an overlay PUD district ordinance shall occur before the recording of the final plat.
14. 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.
15. 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.

Passed and duly adopted this 6<sup>th</sup> day of June, 2023 by the Lake Elmo Minnesota City Council.

---

Charles Cadenhead, Mayor

ATTEST:

---

Julie Johnson, City Clerk

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

**ORDINANCE NO. 2023-12**

**AN ORDINANCE AMENDING CHAPTER 105 OF THE LAKE ELMO  
CITY CODE OF ORDINANCES BY REZONING ALL PROPERTY AT  
PID 33.029.21.44.0009 FROM HDR (HIGH DENSITY RESIDENTIAL)  
TO HDR-PUD (HIGH DENSITY RESIDENTIAL PLANNED UNIT  
DEVELOPMENT)**

**SECTION 1. Zoning Map Amendment.** The following property is hereby rezoned from HDR, High Density Residential, to HDR-PUD –High Density Residential Planned Unit Development:

Outlot C, EAGLE POINT BUSINESS PARK 2<sup>ND</sup> ADDITION, Washington County, Minnesota.

**SECTION 2. PUD District Regulations.** Permitted uses and regulations acceptable to the PUD are hereby established as follows:

1. Land Use – Uses permitted within this PUD shall be: All of the permitted uses within the HDR, High Density Residential, zoning district.
2. Accessory Uses - Accessory uses shall be incidental to the principal uses of the property and as allowed in the HDR – High Density Residential zoning district.
3. Design and Performance Standards – Unless a PUD deviation has been granted or conditions imposed, the standards for this property shall be those found in the HDR-High Density Residential zoning district, Article XII of the Zoning Ordinance. The following deviations are granted as proposed:
  - a. Parking between the front of the building façade and the public street as depicted on the approved Final Plat and PUD Plans.
  - b. Building Height of no more than 56 feet as measured from the average grade around the building.
  - c. Maximum lot coverage of 34%.

**SECTION 3. Zoning Map.** The zoning map of the City of Lake Elmo shall be republished in

the ordinary course to show the aforesaid zoning, and in the interim the Clerk shall appropriately mark the zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 5. Adoption Date.** This Ordinance 2023-12 was adopted on this 6<sup>th</sup> day of June, 2023, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

LAKE ELMO CITY COUNCIL

---

Charles Cadenhead, Mayor

ATTEST:

---

Julie Johnson, City Clerk

This Ordinance 2023-12 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

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

**RESOLUTION NO. 2023-056**

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE  
2023-12**

**WHEREAS**, the Lake Elmo City Council has adopted Ordinance No. 2023-12, an ordinance that amends the City's Zoning Code Chapter 105 of the Lake Elmo City Code by rezoning all property at PID 33.029.21.44.0009 from HDR (High Density Residential) TO HDR-PUD (High Density Residential Planned Unit Development)

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2023-12 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance No. 2023-12, an ordinance that amends the Zoning Ordinance Code by rezoning all property at PID 33.029.21.44.0009 from HDR (High Density Residential) TO HDR-PUD (High Density Residential Planned Unit Development). This ordinance creates land use standards consistent with the requested Planned Unit Development for the Amira Lake Elmo project by United Properties which was approved by the Lake Elmo City Council on June 6, 2023.

The full text of Ordinance 2023-12 is available for inspection at Lake Elmo City Offices during regular business hours.

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: June 6<sup>th</sup>, 2023

---

Charles Cadenhead, Mayor

ATTEST:

---

Julie Johnson, City Clerk

(SEAL)