

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

RESOLUTION NO. 2024-024

*RESOLUTION APPROVING THE LAKE ELMO TOWNHOME 8 PRELIMINARY PLAT AND
PLANNED UNIT DEVELOPMENT (PUD) PLANS*

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

WHEREAS, At Home Apartments, LLC. (the “Applicant”) submitted an application to the City of Lake Elmo for a preliminary plat and planned unit development (PUD) called Lake Elmo Townhomes 8, for the property legally described on the attached Exhibit A (the “Property”), a copy of the preliminary plat and PUD is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on December 11, 2023 to review and consider the preliminary plat and PUD application; and

WHEREAS, the Lake Elmo Planning Commission tabled the item for further consideration to allow resolution to issues with screening and easement encroachments; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and 4-1 recommendation of approval of the preliminary plat and PUD to the City Council as part of a staff report dated January 22, 2024; and

WHEREAS, the City Council considered the preliminary plat at its February 20, 2024, meeting and hereby makes the following findings of fact:

1. That the preliminary plat and PUD plan is consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary plat and PUD plan complies with the general intent of the Village Medium Density Residential and Commercial zoning districts.
3. That the preliminary plat and PUD plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
4. That the preliminary PUD Plan meets the minimum requirements for a PUD identified in Section 105.12.1150 and items b, c, e, and g from the Identified Objectives for PUDs in Section 105.12.1130 That the preliminary plat generally complies with the City’s subdivision regulations.
5. That the preliminary plat generally complies with the City’s design standards.
6. That the preliminary plat generally complies with the City’s Zoning Code.

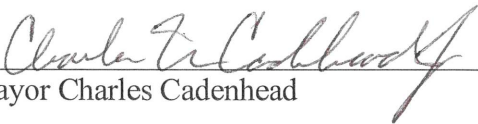
NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Lake Elmo Townhomes 8 preliminary plat and PUD subject to the following conditions:

1. Prior to the City finding any application for a final plat and final PUD complete, the applicant shall fully address all comments in the following review memos to the satisfaction of the City:
 - a. City Engineer's memo dated November 30, 2023.
 - b. City Landscape Architect's memo dated January 10, 2024.
 - c. City Fire Chief's memo dated November 22, 2023.
2. That prior to the City finding any application for final plat and final PUD complete, the applicant shall demonstrate that the plans reflect compliance with Valley Branch Watershed (VBWD) review requirements and that the applicant provide the City evidence that all conditions attached to a VBWD 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 final plat shall include all necessary and additional public right-of-way and easements.
5. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements.
6. The applicant is required to construct a right turn lane along Wildflower Drive at the intersection of 39th Street for which the City will contribute up to half the cost of improvements due to conditions specific to the site and increased density of the village planning area.
7. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
8. 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.
9. If landscaping is proposed in the City's Right of Way, a landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
10. A sign permit will be required for any signage installed on site, and signage must comply with applicable city standards.
11. The Applicant shall submit information demonstrating compliance with a Plat Opinion by the City Attorney, to the satisfaction of the City, before execution or recording of the Final Plat.
12. The Applicant pay the City's AUAR Fee consistent with all development in the Village Area.
13. 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.
14. 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. The Agreement shall outline any approved phasing plan.

15. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat/ 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 the extent of any proposed grading on the site.
16. That the Applicant must submit the final plat within 180 days after City Council approval of the preliminary plat or approval of the preliminary plat shall be considered void unless a request for a time extension is submitted in writing and approved by the City Council.

Passed and duly adopted this 20 day of February, 2024, by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk

Resolution 2024- 024
Exhibit A
Legal Description of Subject Property

Lot 2, Block 1, WILDFLOWER AND 39TH, according to the recorded plat thereof, Washington County, Minnesota.

AND

That part of Lot 1, Block 3, Brookman 3rd Addition, according to the plat on file and of record in the office of the County Recorder, Washington County, Minnesota, lying Westerly of the following described line: Commencing at the Northeast corner of said Lot 1 then South 89 degrees 21 minutes 23 seconds West, assumed bearing, along the North line of said Lot 1, 74.18 feet to the point of beginning of said line; thence South 07 degrees 03 minutes 15 seconds East, 319.79 feet to the South line of said Lot 1 and said line there terminating. Washington County, Minnesota.