

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

RESOLUTION NO. 2015-56

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR
THE LENNAR DIEDRICH TOWNHOUSES*

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

WHEREAS, Lennar Corporation, 16305 36th Avenue North, Plymouth, MN (Applicant) has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for the Lennar Diedrich Townhouses subdivision, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on June 22, 2015 to consider the Preliminary Plat request; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from Community Development Director Kyle Klatt for the July 7, 2015 Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat at its meeting held on July 7, 2014 and made the following findings of fact:

- 1) That the preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the preliminary plat complies with the City's Urban Medium Density Residential zoning district regulations.
- 3) That the preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by City Staff and consultants.
- 4) That the preliminary plat complies with the City's subdivision ordinance.
- 5) That the preliminary plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated June 17, 2014.
- 6) That there are no City parks located within ½ mile of the proposed subdivision.

- 7) That the updated development plans indicate that proposed structures on Lots 29-32 are located too close to the property line and that the development plans must be updated to move these structures to the required setbacks prior to the submission of a final plat.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the preliminary plat for the Lennar Diedrich Townhouses subdivision subject to the following conditions:

- 1) The landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 2) The final landscape plan shall incorporate additional plantings where feasible adjacent to the shared property lines with parcel at 11490 Hudson Boulevard.
- 3) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated March 3, 2015. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 4) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 5) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 6) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance. A cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording.
- 7) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 8) All required modifications to the plans as requested by the City Engineer in a review letter dated June 17, 2015 shall be incorporated into the plans prior to consideration of a final plat.

- 9) The applicant shall update all of the landscaping and construction plans to reflect the updated site plan that includes a public right-of-way within the project area. These updated plan shall be subject to review and approval by the City Engineer.
- 10) Although the updated site plan does not incorporate a private street, any request for flexibility from City regulations and standards must be considered and addressed as part of the final plat submission.
- 11) The final construction plans for the Diedrich Townhouses subdivision shall include, at a minimum, the northern portion of 5th Street if a joint construction project between the applicant and Ryland Homes does not proceed in advance of a final plat submission for the applicant's site.
- 12) The architectural covenants for the homeowner's association shall include provisions that discourage blank garage doors. All garage doors shall incorporate windows or decorative trim to minimize the visual impact of the garage-forward home design.
- 13) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 14) The site plan and construction plans shall be revised to include a sidewalk along at least one side of all streets within the subdivision.
- 15) The applicant shall pay a Water Availability Charge consistent with the Lake Elmo Fee Schedule for the entire development prior to the release of the final plat for recording, regardless of project phasing.
- 16) The developer shall secure a written grading agreement from Excel Energy concerning the proposed grading activity underneath an existing power line easement across the property prior to submission of a final plat.

Passed and duly adopted this 7th day of July 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Beckie Gumatz, Deputy City Clerk