



**MAYOR & COUNCIL COMMUNICATION**

**DATE: July 21, 2015**  
**REGULAR**  
**ITEM # 14**  
**RESOLUTION 2015-056**

**AGENDA ITEM:** Diedrich Property Townhouses (Lennar) – Preliminary Plat

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Nick Johnson, City Planner  
Jack Griffin, City Engineer

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission is recommending approval of a preliminary plat for a new subdivision as requested by Lennar Corporation. The Subdivision Ordinance requires that the City Council review and approval a preliminary plat before an applicant may proceed with the preparation and recording of a final plat. The subdivision request is being made by Lennar for property presently owned by Tammy Diedrich and Gerhard Rieder within the I-94 Corridor planning area.

**FISCAL IMPACT:** TBD – The City will require that the applicant enter into a developer’s agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. The developer is expected to pay the Water Availability Charge for the entire development at the time a final plat is approved (currently \$3,000 per unit) similar to other developments that are connecting to the Lake Elmo Avenue water main.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request for approval of a Preliminary Plat from Lennar Corporation for a 46-unit singled family

attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The proposed development site is located within the City's I-94 corridor planning area, and is in an area guided for public sewer and water services. The preliminary plat has been prepared in response to the City's Comprehensive Plan for the corridor, which guides this site for medium density urban residential development. The Staff report to the Planning Commission concerning this request is attached to this memorandum, and includes a detailed summary of the request in addition to the detailed Staff review and recommendation. The City Council was scheduled to review this request at the 7/7/15 meeting, but consideration was postponed at request of the applicant. The applicant has now requested that consideration be placed back on the agenda

The Planning Commission is recommending approval of the preliminary plat with several conditions of approval. The suggested motion to adopt the Planning Commission recommendation is as follows:

***“Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The attached staff report to the Planning Commission provides an overview of the request and a list of comments and recommendations from Staff. In order to address the initial set of comments from the City, the developer prepared an updated site plan prior to the Planning Commission meeting that reduced the overall number of units by two and that changed the originally planned private street to a public street meeting City specifications. Although the construction plans have not yet been updated, the Planning Commission's review focused on the updated site plan. The City will still need to review updated construction plans, and all previous review comments from the City Engineer and County Engineer will need to be addressed by the applicant. Since the Planning Commission meeting the developer has updated the landscape plan to provide a better overview of how the site will look when completed.

The Planning Commission considered the preliminary plat at its June 22, 2015 meeting and conducted a public hearing on the applicant's request at this time. No one spoke at the public hearing.

The Planning Commission discussed the request and specifically issues associated with the timing of improvements to 5<sup>th</sup> Street, the updated site plan, and potential issues associated with the new configuration of lots. The Commission also noted that the developer would need to address an ownership issue in the extreme southwestern portion of the plat. Specifically, Ryland Homes owns a small remnant of land that is sandwiched between 5<sup>th</sup> Street and the Lennar property. This property is shown as part of the Lennar plat, but it may be excluded from the subdivision based on the developers' comments at the meeting. If this is the case, four of the lots need be adjusted in order to provide adequate rear yard setbacks. This is not a major plat concern, but will need to be addressed as part of a final plat submission. The Commission adopted a finding of fact to document their concerns over this issue.

The Commission further discussed the status of parks in this area and the developer's request to pay a fee in lieu of land dedication. Commissioners adopted a motion to include a finding that there are no City parks within ½ mile of the subdivision site. The Commission also requested one additional condition of approval to clarify that the developer must secure a written agreement from Xcel Energy to perform the planned grading work within the existing power line easement. The conditions of approval as amended by the Planning Commission are incorporated into the draft resolution.

The Planning Commission adopted a motion to recommend approval of the Preliminary Plat with the findings and conditions as noted in the attached Resolution 2015-056. The motion passed unanimously (7-0).

**BACKGROUND INFORMATION (SWOT):**

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|----------------------|--|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• The preliminary plat is consistent with the Comprehensive Plan and specifically the Urban Medium Density Residential land use classification.</li><li>• The project will connect to the Cottage Grove sewer interceptor via a connection to the gravity line constructed across the project site late last year.</li><li>• The project will connect to the Lake Elmo Avenue water main recently installed in this area.</li></ul>  |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• The two developers adjacent to 5<sup>th</sup> Street have not yet agreed to build this road as a joint project.</li></ul>  |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• The development will include 46 REC units and will pay connection fees for sewer and water service. The developer has committed to paying the water available charge for the entire development (\$138,000 based on the current fee schedule) with the first phase of the final plat.</li><li>• The project will include the construction of the initial segment of 5<sup>th</sup> Street to the east of Lake Elmo (which must either be constructed as a public project or privately by the developer).</li></ul> |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• None identified.</li></ul>   |

**RECOMMENDATION:** Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Lennar Diedrich Townhouses preliminary plat with the 16 conditions of approval as documented in the resolution of approval by taking the following action / with the following motion:

***“Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval.”***

**ATTACHMENTS:**

1. Resolution No. 2015-056
2. Planning Commission Report (6/22/15)
3. Application Forms
4. Application Narrative and Information
5. Location Map
6. Tree Inventory
7. Review Comments:
  - a. City Engineer
  - b. Washington County
8. Preliminary Plat and Plans (20 sheets)
  - a. Revised Site Plan (Dated 6/19/15)
  - b. Revised Landscape Plan (Dated 6/25/15)
  - c. Cover Sheet
  - d. Legend Sheet
  - e. Existing Conditions
  - f. Preliminary Plat
  - g. Preliminary Site Plan
  - h. Preliminary Utility Plan
  - i. Preliminary Grading Plan
  - j. Erosion Control Plan
  - k. Preliminary Seeding Plan
  - l. Preliminary Street Profiles
  - m. Details
  - n. Landscape Plan
  - o. Tree Preservation Plan